DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 2296-99
15 November 1999

[redacted]

Dear [redacted]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 26 August 1993 at the age of 19. Your record reflects that you served for a year and eight months without incident but on 6 April 1995 you received nonjudicial punishment (NJP) for larceny. The punishment imposed was restriction for 60 days, forfeitures totalling $958, and reduction to paygrade E-3.

Your record further reflects that on 11 February 1999 you received NJP for two incidents of conspiracy, two incidents of failure to obey a lawful order, and contribution of alcoholic beverages to a minor. The punishment imposed was forfeitures totalling $1,274 and restriction and extra duty for 45 days.

Subsequently, you were processed for an administrative separation by reason of misconduct. On 5 March 1999 you were issued a general discharge by reason of misconduct and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contentions that you would like your discharge upgraded and reenlistment code changed so that you may attend school using the benefit from the Montgomery GI Bill. However, the Board concluded these factors were not sufficient to warrant an upgrade of your discharge or a change in your reenlistment code because of the serious nature of your misconduct. Given all the circumstances of your case, the Board concluded your discharge and reenlistment code were proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director