



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2390-99

20 August 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 18 August 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The record provided for the Board's review is incomplete. However, available records reveal that you enlisted in the Navy on 7 July 1994 for four years at age 19.

The record reflects that during the nine months period from March to December 1996 you received three nonjudicial punishments (NJP) for larceny of a bag of steaks and a package of bagels and English muffins, absence from restricted mens' muster, desertion for 31 days, a brief period of unauthorized absence and missing movement. As a result of the third NJP, you were reduced in rate to MSSA.

On 31 July 1998, you were honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals separated in pay grades E-1 or E-2 since reenlistment is not authorized. Your contention that the assigned reenlistment code was based upon a single isolated incident appears to be without merit. The three NJPs also provided a basis for a non-recommendation for reenlistment and

assignment of an RE-4 reenlistment. Since you have been treated no differently than others separated under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board concluded that the reenlistment code is proper 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