



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

TRG
Docket No: 3029-99
18 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 8 February 2000. 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 Board found that you enlisted in the Naval Reserve on 10 December 1993 at age 18 and reported for active duty on 10 January 1994. The record shows that in June and August 1994 you received nonjudicial punishments for not taking notes in class and for writing letters in class. You then served without further disciplinary infractions until 10 August 1996. On that date you received nonjudicial punishment for an unspecified period of unauthorized absence and disobedience. The performance evaluations for the period from 16 July 1996 to 15 January 1997 contain adverse marks of 1.0 in the categories of quality of work and teamwork. In addition, you were not recommended for promotion or retention in the Navy. You were released from active duty on 25 January 1997 with your service characterized as honorable. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Concerning the last NJP you state that you were having difficulties with your 90 day assignment on mess duty. You state, in effect, that you felt you could not continue without help and disobeyed orders and left your duty station in order to obtain counseling. You claim your difficulties were caused by your problems adjusting to shipboard life and from being away

from your son. In support of your case you have submitted documentation showing that you are now a member of the National Guard and have provided good references from your superiors in the Guard. You have submitted evidence showing that the commanding officer of the recruiting district has recommended a waiver so that you can be enlisted in the Navy. Apparently, this recommendation has not been approved by higher authority.

The Board concluded that a record of three nonjudicial punishments, even though they appear to be minor offenses, and the adverse performance evaluations were sufficient to support the assignment of the RE-4 reenlistment code and there has been no abuse of the command's discretion in this matter. 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