



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 8587-98

14 May 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 12 May 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 Board found that you enlisted in the Naval Reserve on 8 November 1995 for eight years at age 22. You were ordered to active duty for a period of three years on 7 December 1995. The record reflects that you were advanced to FN (E-3) and served without incident until 7 March 1997 when you received nonjudicial punishment (NJP) for an unspecified period of unauthorized absence, disobedience, and dereliction of duty. Punishment imposed consisted of reduction in rate to FA (E-2) and 45 days of restriction and extra duty.

You were advanced again to FN but were subsequently reduced in rate again to FA at a second NJP on 26 February 1998 for two instances of disrespect. You were not recommended for reenlistment due to failure to meet professional growth criteria. You were honorably released from active duty on 16 November 1998 and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals discharged in pay grades E-1 and E-2 for failure to meet professional growth criteria. The Board noted your contention that you had passed the third class examination for advancement but were not advanced. However, passing the third class examination is not relevant unless you were in pay grade E-3 at the time of separation. As previously noted, you were serving in pay grade E-2 at that time. Since you were treated no differently than others separated under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. 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