



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 9321-97

22 April 1999

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 20 April 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.

As you know, your record is incomplete. Based on the incomplete record and the documentation you provided, the Board found that you enlisted in the Naval Reserve on 22 March 1990 at age 18 and reported for three years of active service on 11 September 1990. Apparently, you then served without incident until you received nonjudicial punishment (NJP) on 8 July 1993. It appears that the punishment imposed extended to a reduction in rate and forfeitures of pay. However, the NJP it is not filed in your record and the nature of your misconduct is unknown. The record shows that on 18 August 1993 the suspension was vacated due to continued misconduct. The record shows that you were reduced in rate at that time from FN (E-3) to FA (E-2). You were released from active duty on 9 September 1993 with your service characterized as honorable. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

You state in your application that you have matured since your service in the Navy and desire a change in the reenlistment code so that you can enlist in the Marine Corps.

As indicated, the nature of your offenses is unknown. However, the record shows that you committed at least two offenses in the last two months prior to your release from active duty, as shown by the NJP and vacation action. In addition, regulations require the assignment of an RE-4 reenlistment code in most cases such as yours when an individual is serving in pay grade E-2 at the end of an extended period of active duty. Since the RE-4 reenlistment code could have been assigned due to the two instances of misconduct or because of your separation in pay grade E-2, the Board concluded that the code was properly assigned. 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