



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

ELP
Docket No. 959-01
22 June 2001

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 for the Board for Correction of Navy Records, sitting in executive session, considered your application on 20 June 2001. 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.

You enlisted in the Naval Reserve on 26 June 1991 for eight years at age 18. On 8 June 1992, you were ordered to active duty for a period of two years as an SA (E-3).

The record reflects that you served without incident until 22 September 1993, when you received nonjudicial punishment (NJP) for treating a BM1 (E-6) with contempt and failure to obey a lawful order. Punishment consisted of forfeitures, restriction and extra duty.

On 8 April 1994 you received a second NJP for a 27 day period of unauthorized absence and missing the movement of your ship. Punishment imposed consisted of a suspended reduction in rate to SR (E-1), forfeitures of \$426 per month for two months, and 30 days of restriction and extra duty. On the same date of the NJP, the suspended reduction in rate was vacated and ordered executed due to further misconduct.

On 7 June 1994, while still serving as an SR, you were honorably released from active duty and transferred to the Naval Reserve with an RE-4 reenlistment code.

Reenlistment is not authorized for individuals separated in pay grades E-1 and E-2, and regulations require the assignment of an RE-4 reenlistment code to such individuals. The Board noted that you were ordered to active duty as a E-2 and should have been advanced to pay grade E-3 by the time of your separation. Had you been an E-3, you might have qualified for a more favorable reenlistment code. The Board believed that two NJPs within the last nine months of service and the reduction in rate to E-1 provided sufficient justification for the assignment of an RE-4 reenlistment code. The Board concluded that the reenlistment code was 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