



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

ELP
Docket No. 2470-01
17 August 2001

[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 Navy Records, sitting in executive session, considered your application on 15 August 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 Navy on 24 May 1985 for four years at age 19. The record reflects you were advanced to PM3 (E-4) and served without incident until 27 April 1988 when you were convicted by civil authorities of prowling and sentenced to one day in jail.

The record further reflects that on 5 January 1989 you were counseled regarding the Obligated Service Program Policy in connection with acceptance of transfer orders. A page 13 entry indicated that you had sufficient obligated service required for the duty assignment. On the same date you signed the following page 13 entry:

In consideration of assignment to Intelligence Specialist (IS) Class "A" School, being unable at this time to incur obligated service without potential monetary loss, I agree to reenlist or extend my enlistment when eligible for a period which equals or exceeds the obligated service

required for this assignment. I have been fully advised/counseled that any refusal to incur the required obligated service will result in assignment of an RE-4 reenlistment code.

On 21 January 1989 you were assigned to the Navy-Marine Corps Intelligence Training Center at Dam Neck, VA. The record also reflects that 17 February 1989, the Commander, Naval Military Personnel Command (CNMPC) cancelled its authorization to allow your conversion to the IS rating under the SCORE Program. CNMPC directed that you be advised that since you failed to acquire additional obligated service, further extension or reenlistment was not authorized without prior approval, and assignment of an RE-4 reenlistment code was directed at the expiration of your obligated service. On 23 February 1989 you signed a page 13 entry that your disenrollment from the SCORE Program was voluntary and that you were no longer eligible for any SCORE Program benefits. Further facts and circumstances surrounding your orders to the IS class "A" school, or the reenlistment bonus for which you would have been eligible had you reenlisted, is not shown in the record. You were honorably discharged on 27 March 1989 and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals who fail to incur obligated service in return for specific orders or training. The Board noted your contention that you were promised IS school and a \$25,000 bonus in return for a six-year enlistment. You claim that after you arrived at the school you were told that your clearance would take longer than expected, you would have to sign a one year extension, and the reenlistment bonus would be \$15,000 and not for \$25,000 as previously promised. There is nothing in the record that shows you were promised a \$25,000 reenlistment bonus. Your contentions and claims are neither supported by the evidence of record nor by any evidence submitted in support of your application. In order to justify correction of a military record, you must show to the satisfaction of the Board, or it must otherwise appear, that the record is in error or that you were unjustly treated by the Navy. You have failed to submit any evidence that would satisfy this requirement. 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