



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

TRG
Docket No: 5563-01
5 December 2001

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 4 December 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 reenlisted in the Navy on 13 April 1990 for five years and subsequently extended that enlistment on three occasions totaling 39 months. During the period 16 March 1996 to 13 May 1998, you received three consecutive marginal or adverse performance evaluations. The second evaluation, for the period 16 March 1997 to 15 March 1998 states that you had received nonjudicial punishment and failed the physical readiness test on two occasions. However, based on your recent improvements you were recommended for promotion and retention.

In the next evaluation, for the period 16 March to 13 May 1998, you were assigned adverse marks of 1.0 in the categories of military bearing/character and personal job accomplishment/initiative, and you were not recommended for promotion or retention in the Navy. The evaluation comments state, in part, as follows:

... immediately at completion of last grading period (his) performance commenced a serious downward trend. Shuns any responsibility as a second class petty officer, is not proactive in seeking to increase his

professional or technical knowledge. Since the start of deployment, has developed an anti-Navy attitude which has directly influenced division morale and subordinate personnel in a negative way. placed in a liberty risk status

You were honorably discharged on 12 July 1998 at the expiration of your enlistment as extended. Since you had completed almost 12 years of active service, you were paid separation pay of \$17,377.93. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

The Board concluded that three consecutive marginal or adverse performance evaluations, especially the last evaluation, were sufficient to support the assignment of the RE-4 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