



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

ELP
Docket No. 5872-01
13 December 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 12 October 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.

The Board found that you reenlisted in the Navy on 5 November 1993 for three years as a PNSN (E-3). At the time of your reenlistment, you had completed more than four years of prior active service.

The record reflects that you served without incident until 18 March 1994 when you received an oral reprimand at non-judicial punishment (NJP) for operating a vehicle while drunk. Thereafter, you were counseled regarding the alcohol abuse and warned that failure to take corrective action could result in administrative separation.

The record further reflects that you served without further incident, were advanced to PN3 (E-4), and extended your enlistment for an additional period of 33 months on 31 October 1996. On 27 April 1997 you were awarded the Navy Achievement Medal for superior performance of duties from November 1993 to January 1997. You extended your enlistment for one month on 21 April

1999. You were honorably discharged on 4 September 1999 by reason of "non-retention of active duty" and assigned an RE-6 reenlistment code. At the time of your discharge, you had completed more than 10 years of active service.

Regulations authorize the assignment of an RE-6 reenlistment code to individuals separated by reason of "non-retention of active duty." An RE-6 reenlistment code means that an individual has reached the high-year tenure limit for his pay grade. At the time of your separation, the high-year tenure limit for pay grade E-4 was 10 years. In order for you to have been eligible for an RE-1 reenlistment code, you would have had to have been an E-5 at the time of your discharge. 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. 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