



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

TRG
Docket No: 6485-00
16 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 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 14 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 reenlisted in the Navy for six years on 8 May 1989. On 26 September 1990 you were counseled and warned concerning a pattern of failure to pay just debts. About eleven months later, on 12 August 1991, you were notified of separation processing by reason of misconduct due to an established pattern of failure to pay just debts. An administrative discharge board met on 16 October 1991, found that you had committed misconduct and recommended an honorable discharge. On 27 February 1992 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with an honorable discharge.

The separation performance evaluation states that you did not possess the rating knowledge commensurate with your rate. Concerning your financial problems, the evaluation states, in part, as follows:

(His) financial problems have been recurring as stated on his evaluations throughout his Naval career. He has become an administrative burden

You were honorably discharged by reason of misconduct on 13 March

1992. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code. The record shows that you had completed 13 years, 10 months and 12 days of active service.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged by reason of misconduct. In addition, the evaluation comments concerning your poor performance of duty would support the assignment of an RE-4 reenlistment code. Since you have been treated no differently than others discharged for misconduct or poor performance of duty, the Board could not find an error or injustice in 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