



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

TRG
Docket No: 7835-01
13 March 2002

[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 12 March 2002. 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 11 April 1988 at age 22 and reported for three years of active duty that same day. During 1989 you received nonjudicial punishment on three occasions. Your offenses were an unauthorized absence of about eight hours, drunk driving, and two instances of disobedience. On 27 March 1990 you were convicted by a special court-martial of committing carnal knowledge with a female under the age of 16 years, wrongfully supplying liquor to a minor and disobedience. The court sentenced you to reduction to pay grade E-1, forfeiture of \$450 and 35 days confinement at hard labor.

On 1 May 1990 you were notified of separation processing by reason of misconduct due to your commission of a serious offense. On 17 May 1990 an administrative discharge board found that you had committed a serious offense and a pattern of misconduct, but recommended your retention in the Navy. The retention recommendation was apparently based on testimony to the effect that several sailors had sex with the girl and nobody was aware that she was only 16 years old. After review, the recommendation for retention was approved.

You then served without incident until you were released from

active duty on 23 May 1991 in the rate of MSSA (E-2) with your service characterized as honorable. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code. Subsequently, you were issued an honorable discharge at the end of your military obligation.

You state in your application that you have been a sober hardworking citizen since discharge. You desire a change in the reenlistment code so that you can again serve in the Navy.

The Board believed that a record which included three nonjudicial punishments and a conviction by a special court-martial was sufficient to support the assignment of an RE-4 reenlistment code. In addition, regulations require the assignment of an RE-4 reenlistment code to individuals serving in pay grade E-2 on completion of an extended period of active duty. The Board concluded that the RE-4 reenlistment code was proper as assigned 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