



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

ELP  
Docket No. 303-02  
9 May 2002

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 8 May 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.

The Board found that you enlisted in the Navy on 24 July 1996 for four years at age 20. You were advanced to petty officer third class (E-4) on 16 June 1999.

Performance evaluations you provide show that for the evaluation period ending 15 June 1999, you were rated as meeting standards or above standards in all categories. However, the evaluation for the period 16 June 1999 to 15 June 2000 shows that you were assigned a marginal mark of 2.0 in the rating category of military bearing and character. The reporting senior noted that you had received counseling on three occasions for exercising poor judgment and indebtedness, and were formally reprimanded for misuse of a government credit card.

The evaluation report for the period 15 June to 23 July 2000 shows that you were assigned an adverse mark of 1.0 in military bearing and character. The reporting senior noted that you

continued to use poor judgment by failing to pay your government credit card bill after liquidation of a travel claim. You had become an administrative burden by failing to uphold Navy core values. You were not recommended for advancement or retention. On 23 July 2000 you were honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals who are not recommended for reenlistment by the commanding officer. The Board is reluctant to substitute its judgment for that of the commanding officer who is on the scene and is best qualified to determine who should be recommended for retention. The Board believed two performance evaluations over a 13-month period documenting three counselings and problems with your government credit card debt provided sufficient justification for a non-recommendation for retention and assignment of an RE-4 reenlistment code. The Board thus 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