



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

TRG
Docket No: 3128-02
13 September 2002

[REDACTED]

[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 10 September 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 16 July 1985 at age 19 and reported for four years of active duty on 22 November 1985. The record shows an unauthorized absence of about 2 hours on 2 March 1987, and no other incidents until 14 October 1989. During this initial period of good service, you were advanced to petty officer third class (MM3; E-4).

On 14 October 1989 you began a period of unauthorized absence that lasted for about 33 days. On 20 November 1989 you were an unauthorized absentee for about nine hours. On 22 November 1989 you received nonjudicial punishment for these two periods of absence. The punishment imposed included restriction, extra duty and a reduction in rate to firemen (E-3). After making up the 33 day period of unauthorized absence, you were released from active duty on 24 December 1989 with your service characterized as honorable. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

You state in your application that your unauthorized absence was caused by pay problems and the fact that your wife was about to become homeless. You believe that you have matured and desire to

again serve in the military.

The Board noted the lengthy period of good service prior to the nonjudicial punishment for the 33 day period of unauthorized absence and your inability to overcome that disciplinary action prior to your release from active duty. However, the Board concluded that a 33 day period of unauthorized absence was 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