



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

ELP  
Docket No. 6113-01  
7 January 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 3 January 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 28 January for eight years at age 20. You were ordered to active duty on 5 June 1989 for a period of 36 months in the Active Mariner Program. You were advanced to AN (E-3) on 17 July 1989.

The record reflects that you served without incident until 15 May 1990 when you received a nonjudicial punishment (NJP). The facts and circumstances surrounding this NJP are not on file in the record. However, the record does reflect that you received a six month suspended reduction in rate to AA (E-2). On 18 October 1990, the suspended reduction in rate to AA (E-2) was vacated and you received a second NJP for absence from your appointed place of duty, failure to obey a lawful order, and breaking curfew. Punishment imposed consisted of correctional custody for 30 days, forfeitures of one-half month's pay for two months, and reduction in rate to AR (E-1).

You served without further incident and were again advanced to AA. On 6 May 1992 you were honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. You were honorably discharged upon completion of your obligated service on 27 January 1997.

Regulations prohibit the reenlistment of individuals separated in pay grade E-1 or E-2, and require assignment of an RE-4 reenlistment code to such individuals. The Board noted your contention that you believe you should not be "given a dishonorable discharge." A reenlistment code does affect the characterization of your service. In order to be eligible for a better reenlistment code, you would have had to be serving in pay grade E-3 or higher at the time of your separation, and been recommended for both advancement and retention. You did not meet these criteria. 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. 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