



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

TRG
Docket No: 8298-01
24 January 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 23 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 3 September 1998 and reported for three years of active duty on 7 October 1998. Your record is incomplete. However, you have provided the Board with a copy of your performance evaluation for the period 16 June 2001 to 11 September 2001. In that evaluation, you were assigned an adverse mark of 1.0 in the category of military bearing/character and marginal marks of 2.0 in several other categories, and you were not recommended for promotion or retention in the Navy. The individual trait average is 2.14. The evaluation comments state, in part, as follows:

... Has displayed conduct inconsistent with Navy Core Values of Honor, Courage and Commitment. Since reporting to this command member has had 2 larceny convictions. I have lost my confidence in (his) commitment to being trustworthy, and his dedication to serving his country in an honorable fashion. As an Aviation Electronics Technician he is entrusted with classified information; however, with his record of repeated convictions, he can not be trusted. Not recommended for advancement or retention.

You were released from active duty on 6 October 2001 with your service characterized as honorable. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

The Board concluded that the adverse performance evaluation for the period 16 June to 11 September 2001 was sufficient to support the assignment of the RE-4 reenlistment code, and assignment of that code is not an abuse of the commanding officer's discretion.

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