



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

TRG
Docket No: 10639-02
2 May 2003

[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 22 April 2003. 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 reenlisted in the Navy for two years on 4 March 1997 as a petty officer second class (OS2; E-5). On 10 February 1977 you received nonjudicial punishment (NJP) for two specifications of unauthorized absence, disobedience, dereliction of duty and making a false official statement. The punishment imposed included a reduction in rate, which was suspended. The performance evaluation for the period 16 March 1998 to 10 February 1999 is adverse with an individual trait average of 1.86 and you were not recommended for promotion or retention in the Navy. The commanding officer's comments, in part, are as follows:

.... (He) has demonstrated a blatant disregard for authority, evidenced in his unauthorized absence from duty. His performance continues to "roller-coaster" based on (his) convenience. (He) was formally counseled on 16 April 1998, 2 June 1998, 4 June 1998, 12 July 1998, 16 July 1998, 25 July 1998, 15 August 1998, 10 November 1998, and 7 February 1999 regarding specific performance shortfalls."

Subsequently, the ending date of the evaluation was extended to coincide with your discharge from the Navy. You were honorably discharged at the expiration of your enlistment on 3 March 1999. At that time, you had completed 16 years, 9 months and 23 days of active service.

The Board noted that you received NJP on 10 February 1999 only about 22 days before the expiration of your enlistment. Further, the final performance evaluation describes persistent performance problems from 16 March 1998. The Board concluded that the NJP and adverse performance evaluation were sufficient to support the denial of your reenlistment and 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