



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

CRS

Docket No: 6436-06  
22 November 2006

[REDACTED]

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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 25 October 2006. 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.

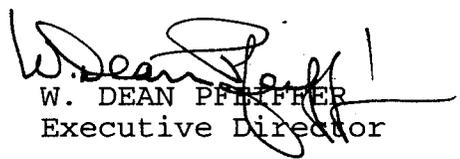
The Board found that you reenlisted in the Navy on 29 June 2001 after about four years of prior active service. The record reflects that on 30 July 2004 you received nonjudicial punishment for an unauthorized absence, drunk driving, incapacitated for duty, and drunk on duty. In your last enlisted evaluation which started at 16 March 2004 you were not recommended for reenlistment. On 28 August 2004, while serving in pay grade E-4, you were honorably discharged with a narrative reason for separation of non-retention on active duty. At that time, you were assigned a reenlistment code of RE-4.

Applicable regulations authorize the assignment of an RE-4 reenlistment code when an individual is discharged due to non-retention on active duty. Clearly, your disciplinary action and last evaluation were sufficient to support the reenlistment code. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of your 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 PFEFFER  
Executive Director