



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

TRG
Docket No: 7482-06
20 February 2008

[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 12 February 2008. 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 29 December 1995 and reported for extended active duty on 8 February 1996. You then served in a satisfactory manner for about five years. On 22 May 2001 you were counseled concerning inconsistent performance, poor impulse control, unresolved development plan for qualification attainment and less than satisfactory job performance. You were warned that further deficiencies could lead to disciplinary action and/or administrative separation.

During the period from 15 June 2001 to 15 June 2002 you received a series of adverse performance evaluations from different raters and reporting seniors. In the last evaluation during this period, you received an adverse mark of 1.0 in professional knowledge and marginal marks of 2.0 in several other categories and you were not recommended for promotion and retention. During the two evaluation during the period from 16 June 2002 to 7 August 2003, you received marks of 3.0 in every category but were not recommended for retention. You were released from active duty on 7 August 2003 with your service characterized as honorable with 7 years and 6 months of active duty. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code. Since you were still serving as a petty officer third class it appears that you were at or

approaching length of service limitations for individuals serving in paygrade E-4. The narrative reason for separation is non-retention on active duty and you were paid separation pay in the amount of \$8,208.00.

You contend in your application, that one chief petty officer did not like you and insured that you were not promoted or retained in the Navy. You desire a change in the reenlistment code and a change in the reason for your discharge. You believe that the narrative reason for separation should be completion of required active duty.

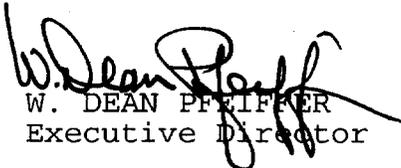
As indicated the record shows that there were several different raters and reporting seniors on your evaluations. All of whom agreed that your performance was unsatisfactory. Therefore, your contention that all of your problems were caused by one individual is not supported by the record. Further, since you were not advanced beyond paygrade E-4, high year tenure regulations required that you be denied further service. The Board concluded that the decision to deny your reenlistment was proper.

Concerning the narrative reason for separation, non-retention on active duty, is one of the narrative reasons that require the payment of separation pay. Since you have been paid separation pay and have been treated no differently than many others in your situation, the Board could not find an error in the reason for your discharge.

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