



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

TJR  
Docket No: 8499-06  
12 July 2007

[REDACTED]

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 Naval Records, sitting in executive session, considered your application on 10 July 2007. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 22 June 1999 at age 19 and served without disciplinary incident until 28 January 2000 when you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA). The punishment imposed was extra duty and restriction for 45 days and reduction to paygrade E-2.

On 25 July 2002 you received NJP for absence from your appointed place of duty and were awarded restriction and extra duty for 45 days, a \$50 forfeiture of pay, and reduction to paygrade E-3.

Your record contains an administrative remarks entry dated 11 February 2003 which states that you were counselled regarding deficiencies in your performance and conduct, specifically, your failure to obey a lawful order. Your record also contains a performance evaluation for the period from 12 February to 21 June 2003, which states that you were not recommended for retention.

Subsequently, on 22 May 2003, while serving in paygrade E-3, you were honorably released from active duty and transferred to the Naval Reserve. At that time you were assigned an RE-4 reenlistment code. On 21 June 2007, upon completion of your obligated service and while serving in paygrade E-3, you received an honorable discharge.

OPNAVINST 1160.5 (series) notes that the professional growth criteria must be met before further extensions or reenlistment may occur. The instruction notes, in part, as follows:

To satisfy professional growth criteria for the first reenlistment (including first enlistment in USN after serving on active duty and USNR), the member must be: (1) serving as a petty officer or, (2) serving in paygrade E-3 having passed an examination for advancement to paygrade E-4 and be currently recommended for advancement, or (3) have formerly been a petty officer in current enlistment and be currently recommended for advancement to paygrade E-4. Failure to meet the professional growth criteria may result in denial of further extensions or reenlistment.

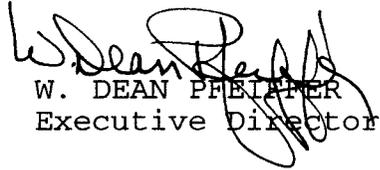
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. It also considered your concern as to why you received an RE-4 reenlistment code when you completed your military service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code because of your misconduct, counselling, and nonrecommendation for retention. The Board noted that an RE-4 reenlistment code is authorized by regulatory guidance and may be assigned when a Sailor, while serving in paygrade E-3, is discharged upon completion of obligated service and is not recommended for reenlistment. 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