



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

SMW
Docket No: 5547-07
24 January 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 23 January 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

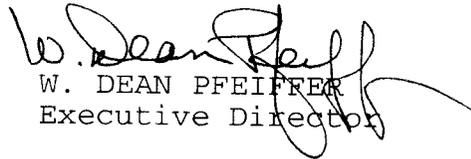
On 8 July 1996, you enlisted in the Navy at age 19. Based on the information currently contained in the record, it appears that your commanding officer subsequently initiated administrative separation by reason of erroneous entry. In connection with this processing, you would have acknowledged the separation action. Apparently, the separation authority approved the discharge recommendation. On 1 July 1999, you were honorably discharged by reason of erroneous entry and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to members who are not recommended for retention or discharged by reason of erroneous entry. A Federal Bureau of Investigation (FBI) criminal report of 28 December 2007, shows that you had multiple felony charges at the time you were discharged. The FBI report and your admission of completing probation clearly indicates that your commanding officer had sufficient cause to assign an RE-4 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 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