



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

TJR
Docket No: 7207-07
13 May 2008

[REDACTED]

[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 13 May 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.

You enlisted in the Navy on 21 May 2003 at age 19 and began a period of active duty on 14 August 2003. You served for a year and five months without disciplinary infraction, but on 27 January 2005, you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was reduction to paygrade E-3 and forfeiture of one half of your pay for one month, all of which was suspended for six months.

It appears that you were diagnosed with a physical condition which hindered your performance of duty because the record reflects that on 5 June 2005 you acknowledged that you were not eligible for reenlistment due to a physical condition that was not a disability, and that you were being assigned an RE-4 reenlistment code.

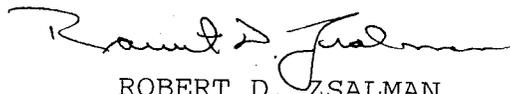
Subsequently, you were processed for separation by reason of convenience of the government due to a condition, which was not a disability. On 17 June 2005, while serving in paygrade E-3, you were honorably discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that your assigned RE-4 reenlistment code was based on your desire to physically provide for your child which made you unavailable for deployment. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code because of your misconduct and nonrecommendation for retention and/or reenlistment due to a physical condition which hindered your performance of duty. Finally, an RE-4 reenlistment code is authorized when a Sailor, who is serving in paygrade E-3, is separated for this reason and is not recommended for retention or 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,



ROBERT D. ZSALMAN
Acting Executive Director