



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

SMW  
Docket No: 10130-07  
26 June 2008

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[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 25 June 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 21 September 1999, you enlisted in the Navy Reserve delayed entry program at age 18, and incurred an eight year contractual obligation that ended on 20 September 2007. On 22 September 1999, you enlisted in the Navy and reported for active duty. On 31 May 2000, you had nonjudicial punishment for larceny of a box of Ex-lax. On 16 July 2002, you executed a 22 month extension of your active service that resulted in a new expiration of active service (EAS) of 21 July 2005. On 27 March 2003, you executed a two month extension of your active service that resulted in a new EAS of 21 September 2005. On 16 December 2003, you were promoted to pay grade E-4. On 3 May 2005, you executed a 24 month extension of your active service that resulted in a new EAS of 21 September 2007. On 21 September 2007, you were honorably discharged by reason of non-retention on active duty, assigned an RE-6 reenlistment code, and paid \$19,802.88 in separation pay.

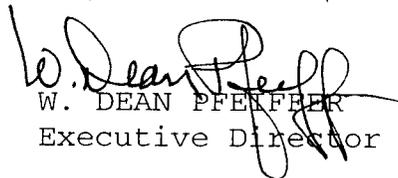
Regulations authorize the assignment of an RE-6 reenlistment code to members who are discharged by reason of non-retention on active duty and are ineligible or denied reenlistment due to high year tenure. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-6 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.

The Board noted that the record does not show that you incurred additional obligated service beyond your original contractual obligation and subsequent extensions that ended on 21 September 2007. You should contact the Department of the Navy, Navy Personnel Command, Sailor Assistance Center (Code Pers-312F), 5720 Integrity Drive, Millington, Tennessee 38055-3120 to request verification of your contractual obligation and any administrative corrections to your DD Form 214.

The Board further noted that although the Navy will not consider waiving an RE-6 reenlistment code, other branches of the armed forces, such as the Army National Guard may consider such a waiver.

Sincerely,

  
W. DEAN PFEFFER  
Executive Director