



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

SMS
Docket No: 645-08
5 September 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 3 September 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 17 April 2006, you enlisted in the Navy at age 34. On 7 May 2006, a recruit evaluation remarks entry indicated that you disclosed that you had family problems. You were subsequently referred to legal assistance and a social worker regarding your family issues. On 12 June 2006, a recruit evaluation remarks entry stated that you failed to meet minimum standards of language and verbal communication as evidenced by two consecutive test failures. On 20 June 2006, another recruit evaluation remarks entry stated that you failed the final test and were no longer qualified for retention. On 23 June 2006, you acknowledged a service record entry which stated that you were not eligible for reenlistment.

On 28 June 2006, your commanding officer recommended you for an entry level separation by reason of substandard performance and conduct. In connection with this processing, you acknowledged the separation action. On 30 June 2006, the separation

authority approved the discharge recommendation and directed an entry level separation by reason of substandard performance and conduct. On 6 July 2006, you were so discharged and assigned an RE-4 reenlistment code.

Regulations direct the assignment of an RE-4 reenlistment code to members who are discharged by reason of substandard performance and conduct. 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