



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

TJR  
Docket No: 805-08  
1 December 2008

[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 25 November 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 Naval Reserve on 28 September 1982 at age 20 and began a period of active duty on 1 December 1982. About three months later, on 10 March 1983, you received nonjudicial punishment (NJP) for disrespect, misbehavior as a sentinel, and failure to obey a lawful order. On 25 April 1983 you received your second NJP for using provoking speech or gestures.

During the month of March 1984 you were counselled on two occasions for disobedience, failure to stand a proper watch, and failure to accept the responsibilities of your watch. Subsequently, you were processed for an administrative discharge by reason of convenience of the government due to unsatisfactory performance as evidenced by your failure to perform your duty assignments satisfactorily. As a result, on 11 May 1984, while serving in paygrade E-2, you were so discharged under honorable conditions. At that time you were assigned an RE-4 reenlistment code.

On 3 January 2001 the Board upgraded the characterization of your service to honorable based on your sufficiently high overall trait averages. However, the narrative reason for separation remained as convenience of the government due to unsatisfactory performance.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, upgraded characterization of service, and desire to change your reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of your unsatisfactory performance, repeated counselling, and disciplinary infractions which resulted in two NJPs. Finally, an RE-4 reenlistment code is required when a Sailor, serving in paygrade E-2, is not recommended for reenlistment because of unsatisfactory performance. 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