



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

SJN
Docket No: 00934-08
5 February 2009

[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 February 2009. 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 and began a period of active duty on 5 December 2001 at age 22. You served over five years and were only advanced to paygrade E-3. Additionally, during this period of service, you received nonjudicial punishment for failure to go to your appointed place of duty, insubordinate conduct, and disobedience. You were also convicted by summary court-martial of four specifications of failure to go to your appointed place of duty, disobedience, and driving without a seatbelt. You were sentenced to a forfeiture of pay, confinement, and a reduction in paygrade. On 10 September 2007, you were released from active duty and transferred to the Navy Reserve. At that time you were assigned an RE-4 reenlistment code.

Individuals separated at the expiration of their obligated service must meet professional growth criteria before they may be allowed to reenlist. Naval regulations state, in part, as follows:

To satisfy professional growth criteria for the first reenlistment, the member must be: (1) serving as a petty officer or, (2) serving in paygrade E-3 having passed an examination for advancement to paygrade E-4 and be currently

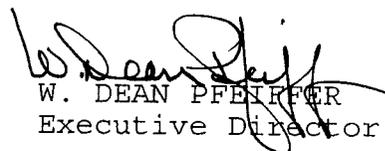
recommended for advancement, or (3) have formerly been a petty officer in the current enlistment and be currently recommended for advancement to paygrade E-4. Failure to meet the professional growth criteria may result in denial of further extensions or reenlistment.

An individual separated in paygrade E-3 who fails to meet the above criteria may receive an RE-3R reenlistment code if he/she is recommended for advancement to paygrade E-4 at the time of separation. If not, the individual must be assigned an RE-4 reenlistment code.

In this regard, the Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your period of satisfactory service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code because based on the information currently contained in your record it appears you were not recommended for advancement at the time of your release from active duty. 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