



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

TJR
Docket No: 2092-08
3 October 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 1 October 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 2 August 1996 at age 18 and served without disciplinary incident until 24 October 1999, when you received nonjudicial punishment (NJP) for dereliction of duty and sleeping on post. The punishment imposed was a \$1,274 forfeiture of pay and reduction to paygrade E-3, all of which was suspended for six months. However, due to your continued misconduct, on 13 April 2000, this suspended punishment was vacated. Also on 13 April 2000, you received NJP for absence from your appointed place of duty and failure to obey a lawful order. The punishment imposed was a \$1,126 forfeiture of pay and reduction to paygrade E-2.

On 1 August 2001, while serving in paygrade E-2, you were honorably released from active duty and transferred to the Naval Reserve. At that time you were not recommended for retention or reenlistment, and were assigned an RE-4 reenlistment code. On 16 August 2004, upon completion of your obligated service, you received were issued an honorable discharge certificate.

OPNAVINST 1160.5 (series) notes that the professional growth criteria must be met before further extensions or reenlistment may occur. The instruction notes, in part, as follows:

To satisfy professional growth criteria for the first reenlistment (including first enlistment in USN after serving on active duty as USNR), 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 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.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to reenlist. It also considered your assertion that being denied the opportunity to reenlist is an injustice to you. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your disciplinary record which resulted in two NJPs, failure of professional growth criteria, and nonrecommendation for retention or reenlistment. Accordingly, your application has been denied.

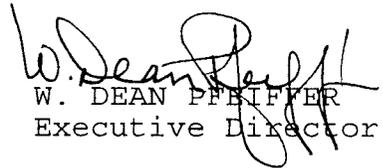
You should contact the Department of the Navy, Navy Personnel Command (BUPERS), Sailor Assistance Center, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120 to request that administrative corrections, such as your date of birth, be made on your Certificate of Discharge or Release from Active Duty (DD Form 214).

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