



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

SJN
Docket No: 03278-08
29 April 2008

[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 23 April 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 18 December 2002. You served for five years and were advanced to paygrade E-5.

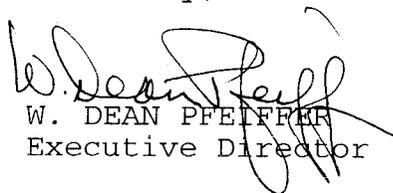
On 19 April 2007 you signed a performance evaluation in which you were not recommended for retention. That evaluation assigned an adverse mark of 2.0 in the marking category of military bearing. The evaluation comments state, in part, that you received a counseling warning for disrespect toward superiors, your difficulty to adapt to a military lifestyle, and poor performance. You were not recommended for retention.

On 17 December 2007, you were honorably discharged from active duty at the expiration of your enlistment with a narrative reason of "non-retention on active duty." At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your entire record of service, including your Good Conduct medal, and the reasons you were not permitted to reenlist. Nevertheless, the Board concluded these factors were not sufficient to remove your enlisted evaluation covering the period from 1 June 2006 to 15 March 2007 from your official records, or warrant a change in the reenlistment code. In this regard, an RE-4 reenlistment code is required when an individual is separated at the expiration of his term of active obligated service and is not recommended for retention. Additionally, under the circumstances of your case, the code is required when the narrative reason for separation is "non-retention on 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