



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

SMS  
Docket No: 8477-08  
14 May 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 13 May 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.

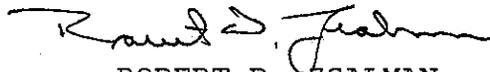
On 28 July 1992, you enlisted in the Navy at age 19 and served without incident for more than 20 months. During the period 15 April 1994 to 27 June 1995, you had three brief instances of unauthorized absences (UA), and it appears that no disciplinary action was taken for these offenses. During the period 29 to 30 March 1996, you were in a UA status. On 23 May 1996, you had nonjudicial punishment for an unspecified offense that resulted in a reduction to pay grade E-2. On 24 May 1996, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or administrative separation. On 13 July 1996, you acknowledged that you were not eligible for reenlistment due to failure to meet advancement growth criteria. On 28 July 1996, you were honorably released from active duty due to completion of required active service and

assigned an RE-4 reenlistment code. On 5 December 2000, you were honorably discharged due to the expiration of obligated service.

Regulations direct assignment of an RE-4 reenlistment code to members who are not eligible for retention due to failure to meet advancement growth criteria. 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,



ROBERT D. ZSALMAN  
Acting Executive Director