



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

BJG
Docket No: 8707-08
28 May 2009



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 27 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, applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 10 March 1986. You received nonjudicial punishment (NJP) on four occasions for failure to report to your appointed place of duty, eight specifications of unauthorized absence (UA), and failure to obey a lawful order or regulation. You were counseled twice regarding being overweight. On 5 June 1990, your recommendation for advancement was withdrawn due to poor performance and inability to conform to military regulations. On 6 June 1990, you received an adverse performance evaluation, and were counseled regarding UA and

warned that further misconduct could result in administrative separation. On 27 July 1990, you were not recommended for reenlistment or advancement. On 1 September 1990, you received another adverse performance evaluation. That same day, you received an honorable discharge within three months of the expiration of your enlistment, and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record, carefully considered all potential mitigation, such as your youth and desire to reenlist in the Navy. However, the Board concluded that these factors were not sufficient to warrant changing your reenlistment code due to your repeated misconduct and substandard performance. In view of the above, 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