



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

TJR
Docket No: 8879-08
20 July 2009

[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 14 July 2009. The names and votes of the members of the panel will be furnished upon request. 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 19 November 2002 at age 17 and immediately began a period of active duty. You served without disciplinary incident until 13 December 2005, when you received nonjudicial punishment (NJP) for failure to obey a lawful order. The punishment imposed was restriction and extra duty for 30 days and a \$200 forfeiture of pay, which was suspended for three months.

Your record contains an adverse special performance evaluation for the period from 8 June to 18 November 2006. This special performance evaluation reflects that you received an individual trait average of 2.00 and was submitted to remove your recommendation for retention and reenlistment. This evaluation also states, in part, that you failed physical fitness accessions (PFA), did not demonstrate a desire to perform or to continue to serve, and exhibited a lack of potential for career growth. The record reflects that on 11 December 2006 you signed the foregoing performance evaluation and indicated that you did not intend to submit a statement regarding its contents.

On 18 December 2006, while serving in paygrade E-4, you were honorably released from active duty and transferred to the Navy Reserve. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your period of satisfactory service prior to your NJP and desire to have your reenlistment code changed. It also considered your assertion that although you received an enlistment extension, you needed to cancel it for personal family reasons. It further considered your assertion that you were told that the only way to cancel your enlistment extension was to fail three PFAs. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your RE-4 reenlistment code. The Board further concluded that your military deficiencies, to include an NJP and nonrecommendation for retention or reenlistment were sufficient to support the assignment of an RE-4 reenlistment code. Finally, there is no evidence in the record, and you submitted none, to support your assertions. Accordingly, your application has been denied.

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