



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

TJR
Docket No: 9454-08
13 August 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 11 August 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 29 April 1992 at age 18 and began a period of active duty on 12 May 1992. Shortly thereafter, on 22 May 1992, you were referred for evaluation due to your failure to adapt. At that time you complained of not being able to cope with stress and missing your daughter. You were diagnosed with an adjustment disorder with mixed emotional features and recommended for an expeditious separation. The medical report stated, in part, that your retention would likely result in increased stress which could cause potential psychiatric morbidity and possible mortality with no benefit to the Navy. On 26 May 1992 you were counselled regarding your performance and conduct as evidenced by your inability to adapt. As a result, you were recommended for an administrative separation.

Subsequently, you were notified of pending administrative separation by reason of performance and conduct. At that time you did not object to the separation and waived your right to submit a rebuttal statement to the aforementioned notification.

The separation authority directed an uncharacterized entry level separation by reason of performance and conduct and on 5 June 1992 you were so separated and 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 youth and desire to reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code or narrative reason for separation. Further, the Board concluded that your substandard performance was sufficient to support the assignment of an RE-4 reenlistment code. Finally, such a code is normally assigned to Sailors who are separated due to their failure to complete recruit training. 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