



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

TJR
Docket No: 9514-08
20 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 18 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 reenlisted in the Navy on 11 November 2005 after nine years of prior honorable service and continued to serve without disciplinary incident.

On 18 September 2007 a physical evaluation board (PEB) found you to be fit for continued service even though you were previously assigned to limited duty due to an existing medical condition. The PEB stated, in part, that because of your condition, you were unable to operate equipment or machinery, and as such you were found to be unsuitable for operational duty. On 27 October 2007 your commanding officer recommended an administrative separation because of your inability to satisfactorily perform within your rating.

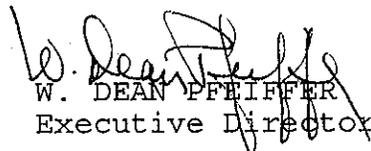
Subsequently, you were processed for an administrative separation by reason of convenience of the government due to unsuitability for operational duty as evidenced by a physical or mental condition. On 29 October 2007 you waived your right to submit a rebuttal to the discharge. On 6 November 2007 the discharge authority directed your commanding officer to issue you an honorable discharge by reason of convenience of the government due to a physical or mental condition, and on 6 December 2007, you were so discharged and 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 honorable service and desire to change your narrative reason for discharge and reenlistment code, and to have your reenlistment bonus restored. It also considered your request for the "Battle E" and Sea Service ribbons. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your narrative reason for separation or your reenlistment code, or to restore your reenlistment bonus. Finally, you were given an opportunity to rebut your reason for discharge, but waived your procedural right to do so. Accordingly, your application has been denied.

You should contact the Navy Personnel Command, Head, Enlisted Bonus Programs, 5720 Integrity Drive, Millington, TN 38055-0000 regarding your request to cancel recoupment of your reenlistment bonus.

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