



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

TRG
Docket No: 12294-08
11 June 2009

[REDACTED]

[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 9 June 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You initially enlisted in the Navy on 14 September 1992 and served on active duty for more than 15 years. During your service, you served in an excellent manner and were advanced to petty officer first class.

In your evaluation for the period 16 November 2006 to 15 November 2007 the Individual Trait Average was 3.71 and you were recommended for promotion, but were not recommended for retention in the Navy. The evaluation comments conclude as follows:

...energetic and motivated leader and mentor. He unfortunately can not [sic] be retained due to dependency care compliance...

This comment supports the decision not to recommend you for retention in the Navy. You were honorably discharged on 29 January 2008 at the expiration of your enlistment. The separation code entered on your DD Form 214 is JBK, which means that your discharge was involuntary. Given your length of service, you were paid separation pay in the amount of \$57,838.56.

The DD Form 214 issued on 29 January 2008 indicated that you were

assigned an RE-1 reenlistment code. On 22 March 2008, a DD Form 215 was issued to correct the DD Form 214 to show that you were assigned an RE-4 reenlistment code.

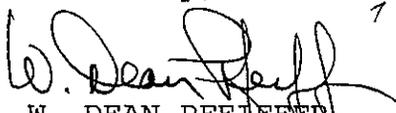
You state in your application, in effect, that you were denied reenlistment because of unspecified medical issues with your spouse. You desire a change in the reenlistment code to RE-1 so that you can reenlist in either the Regular Navy or the Navy Reserve.

A review of your application reveals that you have provided no details as to the seriousness of your wife's medical problems or the impact of those problems on your ability to perform service in the Navy. Further, you have not provided any assurance that if you were allowed to reenlist that these problems would not effect your service in the future. The Board was aware that if you ever qualified for retirement in the future that your separation pay would be recouped. In view of the foregoing, the Board could not conclude that the RE-4 reenlistment code was improperly assigned.

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,


W. DEAN PFEIFFER
Executive Director