



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

BAN  
Docket No: 00136-09  
26 October 2009



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 16 October 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 23 July 1986, and served without disciplinary incident. However, on 18 March 1992, you were arrested by the Naval Criminal Investigative Service (NCIS) for the alleged sexual abuse of a minor. On 18 July 1994, you were separated at the end of active obligated service (EAOS) with an honorable discharge and an RE-4 reenlistment code.

In regard to the allegation of sexual assault of a minor, no final disposition was ever reached by NCIS. Since you are only now, over 20 years later, requesting a change to your reenlistment code, there is no way of knowing what the reasons were for it other than the alleged charge and that upon your EAOS, your case was still pending civilian court action.

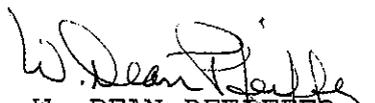
Therefore, you were separated with an honorable discharge based on your overall trait average of 3.83. However, your record and

reenlistment code are presumed to be correct without any additional information to the contrary. The Board noted that an RE-4 reenlistment code means that your commanding officer did not recommend you for retention.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your reenlistment code. 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