



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

CRS
Docket No: 699-09
20 January 2010

[REDACTED]

This is in reference to your request for reconsideration of your application for correction of your record to show that you were transferred to the Fleet Reserve in grade E-6, vice discharged, and your new request for correction of your reentry code of RE-4.

A three-member panel of the Board for Correction of Naval Records sitting in executive session on 9 December 2009 determined that you had not submitted any new material evidence or other matter in support of your request for further consideration of your original application and, therefore, that further consideration of that application was not warranted.

The panel considered your request for correction of your RE code on the same date and after careful and conscientious consideration of the entire record, found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted that the assignment of a reentry code of RE-4 is mandatory when a Sailor against whom a charge of child abuse has been substantiated is discharged prior to the completion of administrative separation processing, as occurred in your case. The Board concluded that as your RE code was assigned properly, and no other code is authorized, there is no basis for granting your request for corrective action. 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 PFETFFER
Executive Director