



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

SJN
Docket No: 01169-09
8 December 2009

[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 1 December 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 and began a period of active duty on 24 April 1995 at age 18. You served without incident for over two years until 23 January 1998, when you received nonjudicial punishment (NJP) for unauthorized absence, and making a false official statement. You received a forfeiture of pay, restriction, extra duties, and a reduction in paygrade. On 24 April 1998, although you were recommended for retention, you were released from active duty while serving in paygrade E-2 and transferred to the Naval Reserve. At that time you were assigned a reenlistment code of RE-4. You were discharged at the completion of your obligated service on 8 February 2002.

For Sailors separated at the expiration of their first period of obligated service, Navy regulations state that professional growth criteria must be met before they may reenlist. The instruction states, in part, as follows:

To satisfy professional growth criteria for the first reenlistment... the member must be: (1) serving as a petty officer or, (2) serving in paygrade E-3 having passed an examination for advancement to paygrade E-4 and be currently recommended for advancement, or (3) have formerly been a

petty officer in current enlistment and be currently recommended for advancement to paygrade E-4. Failure to meet the professional growth criteria may result in denial of further extensions or reenlistment...

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your period of satisfactory service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code because of your NJP, and the fact that you were not serving in paygrade E-3 and recommended for advancement at the time of your separation from the Navy. In this regard, you received a reenlistment code authorized by Navy regulations. 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