



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

TJR
Docket No: 1774-09
11 January 2010

[REDACTED]

[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 6 January 2010. 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 enlisted in the Navy on 12 December 1989 at age 17 and began a period of active duty on 23 January 1990. You served for nearly two years without disciplinary incident, but your record reflects that during the period from 9 to 16 November 1990 you were in an unauthorized absence (UA) status for seven days. Although the record reflects that disciplinary action was pending for this misconduct, it does not appear that any action was taken.

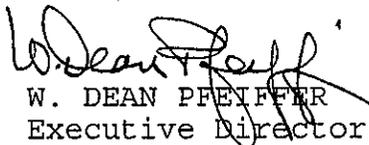
Your record also reflects two other periods of UA and one specification of missing the movement of your ship. However, both of these entries were marked as "in error" and did not require disciplinary action. In other words, you were found to have been on board in either a duty or working status.

On 30 October 1992, within three months of the completion of your required active service and while you were serving in paygrade E-3, you were honorably released from active duty and transferred to the Navy Reserve. You were not recommended for retention or reenlistment and were assigned an RE-4 reenlistment code. On 22 January 1998, at the expiration of your enlistment, you were honorably discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to change your reenlistment code, and removal of documentation referring to periods of UA. It also considered the supporting documentation provided with your application. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because the nonrecommendation for reenlistment was sufficient to support the assignment of an RE-4 reenlistment code, which is authorized by regulatory guidance. Finally, the entries regarding UA are for administrative purposes only and has no impact on your time in service. Accordingly, your application has been denied.

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