



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

TJR
Docket No: 2275-09
17 February 2010

[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 3 February 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 24 May 2000 at age 21 and began a period of active duty on 17 October 2000. You served for nearly six years without disciplinary incident. However, on 26 March 2006, you received nonjudicial punishment (NJP) for failure to obey a lawful order and absence from your appointed place of duty.

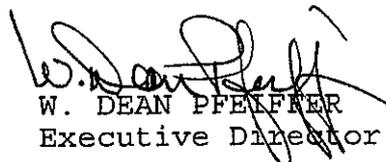
Your record contains an enlisted performance evaluation for the period from 16 March 2006 to 15 March 2007 in which you received an overall trait average (OTA) of 2.00. The reporting senior stated, in part, that you were a below average performer who produced satisfactory results only under constant supervision. It was also stated that you had received NJP and were relieved of your duties as the message center operator; failed to complete certain qualifications within a prescribed 18-month period; and were not recommended for advancement or retention. Your separation performance evaluation for the period from 16 March to 16 April 2007 also reflects that your OTA was 2.00 and again you were not recommended for advancement or retention.

On 16 April 2007, upon completion of your required active service, 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 23 May 2008, 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, period of satisfactory, and desire to change your reenlistment code so that you may reenlist. 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. 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