



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

TJR
Docket No: 2339-09
23 February 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 23 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 Reserve on 28 July 1996 at age 20, began a four-year period of active duty on 18 November 1996, and served without disciplinary incident.

On 10 July 1997 you accepted an accelerated advancement to paygrade E-4 and agreed to extend your enlistment by one year. As a result of this action, your enlistment obligation was changed from four to five years.

Your record contains a performance evaluation for the period 4 September 1999 to 15 March 2000 which states, in part, that you were recommended for retention. On 16 June 2000 you were advanced to paygrade E-5. However, the performance evaluation for the period from 16 March to 17 November 2000 states, in part, that you were not recommended for retention because you did not complete your obligated service requirements as stipulated in

your 10 July 1997 agreement. The reporting senior also stated that although your work ethic was outstanding, your performance was overshadowed by your disregard of the Navy Core Values of Courage, Honor, and Commitment when you elected to be separated without completing your obligated five year enlistment.

On 17 November 2000, upon completion of a four year period of required active service, you were honorably released and transferred from active duty. At that time you were not recommended for retention or reenlistment and were assigned an RE-4 reenlistment code. On 27 June 2004 you were honorably discharged at the expiration of your enlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to change your reenlistment code. 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 of your acceptance of an accelerated paygrade advancement contingent on your agreement to extend your enlistment, but you failed to complete this five year obligation. Further, the Board concluded that your 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