



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

SJN
Docket No: 02456-09
13 January 2010

[REDACTED]

[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 12 January 2010. 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 7 April 2004 at age 18. You served without incident for over two years until 19 May 2006, when you received nonjudicial punishment (NJP) for disobedience. You received restriction, extra duty, and a reduction in paygrade. On 1 April 2008, you signed a performance evaluation covering the period from 16 July 2007 to 6 April 2008 that did not recommend you for retention. That evaluation assigned an overall adverse mark of 2.4 and stated, in part, that although you had made a contribution, your overall military bearing, personal job accomplishment, initiative and motivation were unacceptable. Further, it stated that your inability to conform to Navy standards warranted your separation without a recommendation for reenlistment or retention. On 6 April 2008, you were honorably released from active duty at the expiration of your enlistment. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code given

your adverse discharge evaluation which recommended that you not be allowed to reenlist. In this regard, an RE-4 reenlistment code is required when an individual is separated at the expiration of his term of active obligated service and is not recommended for retention. 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