



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

SJN
Docket No: 02548-09
28 January 2010

[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 26 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 reenlisted in the Navy on 2 March 2005 after eight years of honorable service. On 10 October 2006, you received nonjudicial punishment for unauthorized absence and disobedience. On 28 December 2007, the Director, Navy Central Adjudication Facility (DONCAF) forwarded a letter of intent (LOI) to revoke your eligibility for a security clearance due to your negative credit history. Additionally, you were warned of the consequences if you failed to respond within 14 days. On 17 March 2008, you signed an LOI that granted you an additional 45 days to respond. On 10 June 2008, your commanding officer (CO) notified DONCAF that you had been counseled about your rights and responsibilities with regard to the LOI. On 10 July 2008, DONCAF forwarded a final revocation of your security clearance that concluded your due process. You were notified of this action on 15 July 2008.

Based on the information currently contained in your record, it appears your command submitted a rate conversion package which was disapproved by the Naval Personnel Command due to the forced conversion program, stating, in part, that loss and manning would

not support the conversion and recommended that you be administratively separated from the naval service. On 19 November 2008, administrative discharge action was initiated by reason of unsatisfactory performance. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 16 January 2009, your CO directed your separation. On 3 February 2009, you sign an administrative remarks page 13, acknowledging that you were not eligible for reenlistment. On 4 February 2009, you were honorably discharged and assigned an RE-4 reenlistment code. Regulations require the assignment of an RE-4 reenlistment code to individuals who are separated due to unsatisfactory performance. The Board thus concluded that there is no error or injustice in your reenlistment code. Finally the Board noted that you failed to respond to the LOI in a timely manner and that you waived the right to an ADB, both of which were your best chances 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