



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

TAL
Docket No: 3712-09
5 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 27 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.

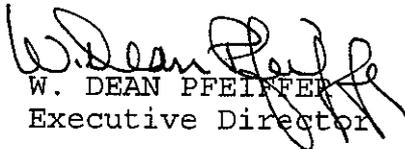
You enlisted in the Navy on 1 November 1989 at age 19 and served without disciplinary incident until 7 January 1992, when you received nonjudicial punishment for absence from your appointed place of duty. The punishment imposed was restriction and extra duty for ten days and a \$100 forfeiture of pay. About a month later, on 7 February 1992, you signed an administrative remarks entry in which you acknowledged receipt of an adverse performance evaluation. On 4 August 1992, within three months of the completion of your required active service and while you were serving in paygrade E-2, 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. A Sailor must be serving in paygrade E-3 and be recommended for promotion to E-4 to be eligible for reenlistment. On 30 July 1997, 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 and desire to change your reenlistment code for employment purposes. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your misconduct and the nonrecommendation for reenlistment which was sufficient to support the assignment of an RE-4 reenlistment code and 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