



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

TJR
Docket No: 5785-09
24 May 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 18 May 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 reenlisted in the Navy on 11 February 1999 and served without disciplinary incident. On 25 August 2004, as a result of a diagnosed physical disability, you were honorably discharged and were assigned an RE-3P reenlistment code.

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 so that you may be eligible for reenlistment. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because you were assigned the most appropriate reenlistment code for your situation at the time of your discharge. In other words, an RE-3P reenlistment code is authorized by regulatory guidance and assigned when a Sailor is discharged with a physical disability but is otherwise recommended for reenlistment once the disability is corrected.

This code may not prohibit reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for determining whether an individual meets the standards for reenlistment, and whether or not a request for a waiver is feasible. 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