



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

SJN  
Docket No: 07991-09  
4 November 2009



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 3 November 2009. 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.

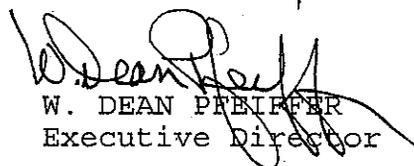
You enlisted in the Navy and began a period of active duty on 1 August 1980. Based on the information currently contained in your record, on 30 June 1980, you signed an agreement to extend your initial four-year enlistment for 24 months in order to be guaranteed an assignment into a nuclear field program. On 29 July 1981, you accepted an accelerated advancement to petty officer third class, and were informed that 12 months of the agreement could not be cancelled whether or not you completed the program.

You served for over three years until 6 March 1985, when you signed an administrative remarks (NAVPERS 1070/613) entry stating that you would agree to reenlist or extend your enlistment when eligible for a period which equaled or exceeded the obligated service required to complete an 18 month tour. Further, you were advised and counseled that your refusal would result in the assignment of an RE-4 reenlistment code. On 31 March 1986, you signed another NAVPERS 1070/613 entry acknowledging that you had been informed that you were not eligible for reenlistment due to your failure to obligate for further service. You were honorably discharged the same day and assigned an RE-4 reenlistment code. The Board, in its review of your application, carefully weighed

all potentially mitigating factors, such as your youth, overall record of service, and the reason you were not permitted to reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code. 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. Additionally, under the circumstances of your case, the code is required since you refused to obligate for further service. 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 PREIFFER  
Executive Director