



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

TJR  
Docket No: 9553-09  
16 July 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 13 July 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 26 October 1998 at age 19 and served for about three years and four months without disciplinary incident. However, your record contains an administrative remarks entry dated 27 February 2002 which reflects that you were counselled regarding your deficiencies in performance and conduct, specifically, absence from your appointed place of duty and dereliction of duty. On 2 May 2002 you received nonjudicial punishment (NJP) for failure to obey a lawful order, absence from your appointed place of duty, making a false official statement, and an unauthorized pass offense. The punishment imposed was reduction to paygrade E-3, restriction and extra duty for 45 days, and a \$1,380.50 forfeiture of pay.

Your record contains a separation enlisted performance evaluation for the period ending 25 September 2002 in which you received an overall trait average (OTA) of 2.29. The reporting senior stated, in part, that your military bearing, motivation, and dedication placed you as a below average performer with significant problems. It was also stated that you had received

NJP, failed the final physical readiness test cycle, and were not recommended for advancement or retention. On 21 October 2002 you were again advised that you were not recommended for reenlistment due to your reduction in rate and nonrecommendation for retention.

On 25 October 2002, upon completion of your required active service, 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. On 10 December 2002, 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, period of satisfactory service, and desire to change your reenlistment code so that you may reenlist. It also considered your assertion of a personal conflict with one of your superiors. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because the nonrecommendation for reenlistment was sufficient to support the assignment of an RE-4 reenlistment code, which 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