



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

TAL  
Docket No: 11281-09  
13 August 2010



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 4 August 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 enlisted in the Navy and began a period of active duty on 10 October 2002 at age 22. On 26 December 2004 you received a written administrative counseling warning for violation of the USS HARRY S. TRUMAN (CVN 75) liberty policy by participating in unauthorized overnight liberty while in a foreign port. On 16 December 2005, you were convicted by summary court-martial of failure to obey a lawful order. On 23 January 2006, you were convicted in the Norfolk General District Court, Norfolk, Virginia, of reckless driving and fined \$317 including court costs. On 9 October 2006, you were honorably released from active duty and transferred to the Navy Reserve upon completion of your required active service, and assigned an RE-3R reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code. Additionally, an RE-3R reenlistment code may not prohibit

reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for determining whether you meet the requirements for reenlistment. 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