



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

SJN
Docket No: 12421-09
2 September 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 31 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 30 September 1995. Based on the information currently contained in your record you received two nonjudicial punishments (NJP's) for disrespect toward a commissioned officer, dereliction of duty, disobedience, making a false official statement, three days of unauthorized absence, and impersonating a petty officer. You were released from active duty on 29 September 1999 while serving in paygrade E-2 and transferred to the Naval Reserve. At that time you were assigned a reenlistment code of RE-4. You were so discharged on 14 September 2003.

Navy directives state that professional growth criteria must be met before an individual may reenlist. The instruction states, in part, as follows:

To satisfy professional growth criteria for the first reenlistment... the member must be: (1) serving as a petty officer or, (2) serving in paygrade E-3 having passed an examination for advancement to paygrade E-4 and be currently recommended for advancement, or (3) have formerly been a

petty officer in current enlistment and be currently recommended for advancement to paygrade E-4. Failure to meet the professional growth criteria may result in denial of further extensions or reenlistment...

An individual separated in paygrade E-3 who fails to meet the above criteria may receive a RE-3R reenlistment code if he/she is recommended for advancement to paygrade E-4 at the time of separation. If not, the individual must be assigned a RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code given your two NJP's for serious offenses, and the fact that you received a reenlistment code authorized by regulations. Further, your Certificate of Release or Discharge from Active Duty (DD Form 214) shows that you failed to qualify for a Good Conduct Medal, thus indicating that you received disciplinary action. Finally, an RE-4 reenlistment code is authorized to be assigned to Sailors when they are released from active duty and not recommended for retention. 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