



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

TAL
Docket No: 0305-10
1 March 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 February 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 on 21 April 1989 at age 18. You served without incident for over three years until 16 October 1992, when you received nonjudicial punishment for failure to go to your appointed place of duty. The punishment imposed was confinement to correctional custody for 30 days and reduction in paygrade to E-2. The reduction in paygrade was suspended for six months. On 29 January 1993 your commanding officer vacated the suspension due to further misconduct and you were reduced in paygrade to E-2. On 20 April 1993, while you were serving in paygrade E-2, you were honorably released from active duty and transferred to the Navy Reserve. Based on the information currently contained in your record it appears that you were not recommended for retention or reenlistment and were assigned an RE-4 reenlistment code. A Sailor must be serving in paygrade E-3 and be recommended for promotion to E-4 to be eligible for reenlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your period of satisfactory service. 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 completion of his term of active service, and has failed to meet professional growth criteria. 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