



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

TJR
Docket No: 1601-10
18 November 2010

[REDACTED]

[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 16 November 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 9 March 1999 at age 17 and immediately began a period of active duty. You served for a year without disciplinary incident, but on 12 May 2000, you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totalling 29 days and missing the movement of your ship. The punishment imposed was a \$100 forfeiture of pay, extra duty and restriction for 15 days, and a two month suspended reduction to paygrade E-3.

In October 2001, due to your failure to comply with the Navy's Family Care Plan, you were not recommended for retention and were informed that processing for an administrative separation had been initiated. However, your commanding officer requested that you be retained in a shore billet until the completion of your required active service. Subsequently, the discharge authority approved this recommendation.

On 8 March 2003, upon completion of your required active service, you were honorably released from active duty and transferred to the Navy Reserve. At that time you were not recommended for further retention or reenlistment and were assigned an RE-4 reenlistment code. On 23 October 2006 you were honorably discharged at the expiration of your enlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to change your reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your misconduct which resulted in NJP. Further, the Board concluded that your 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.

The Board suggested that you may wish to apply for a waiver of your RE-4 reenlistment code, if you would like to reenlist, with branches of the armed forces other than the Navy.

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