



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

REC
Docket No: 03837-10
28 January 2011

[REDACTED]
[REDACTED]
[REDACTED]:

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 26 January 2011. 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 14 February 1997, and began a period of active duty on 3 June 1997, at age 23. On 18 April 1998, you received nonjudicial punishment (NJP) for two incidents of assault consummated by battery. On 19 August 1999, you received NJP for failure to obey a lawful order, making a false official statement, and assault. On 5 November 1999, you received your third NJP for making a false official statement. You completed your obligated service honorably. However, you were not promoted above the pay grade of E-3 during your period of active service. On 2 August 2000, you were honorably released from active duty while serving in pay grade E-1, and assigned a reentry code of RE-4 by reason of not being recommended for retention. On 13 February 2005, you received your discharge from the Navy Reserve.

Individuals separated at the expiration of their obligated service will not be recommended for retention if they do not meet professional growth criteria. OPNAVINST 1160.5C defines the professional growth criteria that must be met before an individual may reenlist. The instruction states, in part, as follows:

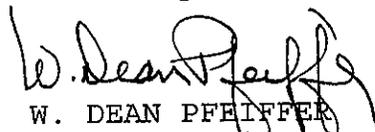
To satisfy professional growth criteria for the first reenlistment, the member must be: (1) serving as a petty officer or, (2) serving in paygrade E-3 having passed an examination for advancement to paygrade E-4 and be currently recommended for advancement, or (3) have formerly been a petty officer in 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 an RE-3R reentry code if he/she is recommended for advancement to paygrade E-4 at the time of separation. If not, the individual must be assigned an RE-4 reentry 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 reentry code, which was based on overall performance and misconduct. In this regard, an RE-4 reentry code is authorized when an individual is discharged at the expiration of his term of active obligated service and is not recommended for retention or does not 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