



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

TAL
Docket No: 8273-10
15 April 2011

[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 13 April 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 and began a period of active duty on 27 August 1999 at age 22. You received nonjudicial punishment (NJP) on two occasions for drunken operation of a vehicle, unauthorized absence from your appointed place of duty and insubordinate conduct toward a superior noncommissioned officer. You were honorably released from active duty at the completion of your required service and at that time you were assigned an RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service and desire to affiliate with the Army National Guard. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reentry code. In this regard, an RE-4 reentry code is required when an individual is separated at the completion of his term of active service and is 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.

Each branch of the armed forces established its own criteria for enlistment within the provisions of federal law. The reenlistment code assigned by the Navy is not binding upon the other services, which are free to accept or reject an application on the basis of their own standards. If another branch of service decides to waive your reenlistment code and accept you for enlistment, the Navy will not object.

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