



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

TJR
Docket No: 1402-11
8 November 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 2 November 2009. 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.

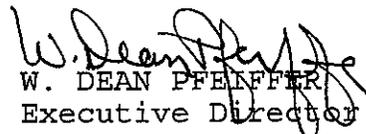
You enlisted in the Navy on 30 August 2004 at age 20 and immediately began a period of active duty. You served without disciplinary incident until 3 May 2007, when you received nonjudicial punishment (NJP) for failure to obey a lawful order, making a false official statement, and fleeing the scene of an accident. The punishment imposed was restriction and extra duty for 45 days, which was suspended for six months, reduction to paygrade E-3, and a \$1,732 forfeiture of pay.

On 29 May 2011, while serving in paygrade E-4, you were honorably released from active duty and transferred to the Navy Reserve upon completion of your required active service. At that time you were assigned an RE-1E reenlistment code as a result of your overall performance and recommendation for reenlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, overall satisfactory service, and desire to be reinstated in the Navy and advanced to a higher paygrade. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case. In this regard, the Board concluded that you were assigned the most appropriate reenlistment code based on your circumstances, and as such may seek affiliation with a reserve drilling unit at your nearest recruiting command. The Board also noted that even though you were reduced in paygrade at the imposition of an NJP, you were subsequently promoted to paygrade E-4 prior to your release from active duty. Accordingly, your application has been denied.

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