



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

SJN  
Docket No: 00970-12  
7 November 2012

[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 6 November 2012. 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 and began a period of active duty on 24 September 2001. The Board found that on 2 February 2009, you received nonjudicial punishment for disobedience. On 8 May 2009, you were convicted by civil authorities of assault with a deadly weapon. On 21 September 2009, you signed an evaluation report covering the period from 16 March 2009 to 21 September 2009, that did not recommend you for retention because of misconduct and your civil conviction. You were honorably discharged from active duty at the expiration of your enlistment with a narrative reason of "non-retention on active duty" on 30 September 2009. 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 record of service and the reason you were not permitted to reenlist. 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 a Sailor is

separated at the expiration of his term of active obligated service and is not recommended for retention. Additionally, under the circumstances of your case, the code is required when the narrative reason for separation is "non-retention on 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,



for ROBERT D. ZSALMAN  
Acting Executive Director