



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

BJG
Docket No: 4355-13
7 April 2014



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 1 April 2014. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

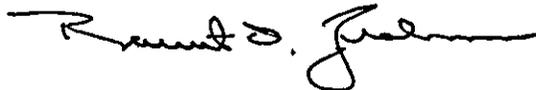
You enlisted in the Navy and entered active duty on 30 June 2005. You were convicted by two summary courts-martial of three periods of unauthorized absence (UA) totaling 169 days and missing the movement of your ship. You were also in a UA status for 25 days for which no disciplinary action was taken. On 15 July 2008, you received an adverse performance evaluation in which you were not recommended for promotion or retention. On 9 February 2010, you completed your active duty obligation in pay

grade E-1, were honorably transferred to the Navy Reserve, and assigned an RE-4 (not recommended for retention) reentry code. On 5 January 2013, you were honorably discharged from the Navy Reserve in pay grade E-1, and not recommended for reenlistment.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, and current desire to change your reentry code and reinstate your pay grade to E-3. However, the Board concluded that you were correctly assigned the RE-4 reentry code due to your acts of misconduct and non-recommendation for retention. The Board found no basis to reinstate your pay grade to E-3. You are advised that UA time does not count as active duty. The Board believed that you were fortunate to receive an honorable discharge, since Sailors who have committed misconduct normally receive other than honorable characterizations of service. You are further advised that no reentry code is changed due merely to the passage of time or post service good conduct. In view of the above, 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,



ROBERT D. ZSALMAN
Acting Executive Director