



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

[REDACTED]
Docket No: 03534-16

APR 18 2017

[REDACTED]
Dear [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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 January 2017. 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.

You began a period of active duty in the Navy on 7 April 2003. You served six years without disciplinary incident. On 10 April 2009, you received nonjudicial punishment (NJP) for false official statement and for wearing insignia without authorization. On 22 July 2009, you received a second NJP for false official statement and wearing insignia without authorization. You subsequently appeared before an administrative separation board, which found misconduct and voted unanimously to separate you with an honorable characterization of service. On 30 October 2009, you were counseled that you were not eligible for reenlistment without approval from the Chief of Navy Personnel, and would receive a reenlistment (RE) code of RE-4. You were discharged from the Navy on 30 October 2009, with an honorable characterization of service and an RE-4.


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. The Board considered your request for a change to your RE code for purposes of reenlistment so that you may affiliate with the military due to hardship. The Board considered that you had over six years of honorable service, that you had an individual trait average of 2.17 on your final evaluation, and that your rank was E-2 upon discharge. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your statement in your application that insinuates you did not realize you were not authorized to wear

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the Surface Warfare pin, and the implication that you were unjustly punished. The Board noted that you had the opportunity to appear before an administrative separation board, and that the administrative separation board found that you committed misconduct. Furthermore, the Board considered MILPERSMAN 1160-030, which states that individuals with the rank of E-2 shall receive an RE-4 for failure to meet professional growth criteria except for those in special two-year obligation programs. Since you had over six years of service, and were discharged in the grade of E-2, the Board found that the RE-4 code was issued without error or injustice and correction is not warranted. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,


Executive Director