



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

█
Docket No: 2652-20
Ref: Signature Date



Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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 28 October 2020. 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, relevant portions of your naval record, and applicable statutes, regulations, and policies.

A review of your service record reveals that you enlisted in the Navy on 15 July 1981. On 30 June 1984, you acknowledged receiving an Enlistment Performance Evaluation (EPE) report for the period of 17 December 1983 to 30 June 1984 due to derogatory contents and you chose not to make a statement. On 22 January 1985, you received non-judicial punishment (NJP) for being disrespectful in language toward a senior petty officer. On 12 March 1985, you acknowledged receiving a warning letter from your commanding officer (CO) due to your problems of relating to and dealing with your peers, being abusive toward your juniors Sailors, and being insubordinate toward your seniors. On 26 April 1985, you acknowledged receiving counseling on not being eligible for reenlistment due to your unsatisfactory performance, apathy, defective attitude, and inability to expand efforts effectively. You also acknowledged that an entry containing derogatory contents would be made in your service record on an EPE covering the period of 1 July 1984 to 26 April 1985. As a result, on 26 April 1985, you were released from active duty, transferred to the Navy Reserve, received an honorable characterization of service and a RE-4 reenlistment code.

The Board carefully weighed all potentially mitigating factors, such as your legal brief, mp3 interview, your desires to change your RE-4 reenlistment code and to be awarded the Navy Expeditionary Medal, and your contentions that: (a) you erroneously received an RE-4 reenlistment code; (b) you were never told you were receiving an RE-4 reenlistment code; (c) the adverse action you received was unfair; and (d) since discharge, you have led a stable, productive, and successful life. However, the Board concluded that these factors were not sufficient to warrant relief given the misconduct and performance evaluations set forth in your service record.

The Board recognizes your honorable service to the United States and the Navy. However, in regards to your contentions that you erroneously received an RE-4 reenlistment code and you were never told you were receiving an RE-4 reenlistment code, the Board noted that the record contains documented evidence, which is contrary to your contentions. The record shows that during the period from 30 June 1984 to 26 April 1985, you received two EPE that contained derogatory information, a warning letter identifying your deficiencies, and a counseling informing you that you are not eligible for reenlistment. The Board also noted that you never rebutted the EPEs, the warning letter, nor the bar to reenlistment counseling. In regards to your contention that the adverse action you received was unfair, the Board noted that there is no evidence in your record, and you submitted none, to support your contention. The Board also noted that you chose not appeal the NJP. In regard to your contentions that since discharge, you have led a stable, productive, and successful life, the Board noted while commendable, your post-service conduct does not excuse your conduct while enlisted in the Navy or alter the basis for your re-enlistment code.

Regarding your request to be awarded the Navy Expeditionary Medal. An Advisory Opinion from Navy Personnel Command (PERS-31/01) stated, in part, that a review of your OMPF and Navy Department Awards Web Services determined that none of your duty stations was awarded the Expeditionary Medal during your tours on board and that there were no other decorations missing from your Certificate or Release or Discharge from Active Duty (DD 214).

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 matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

12/13/2020



Executive Director

Signed by:

