



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 8697-98

30 June 1999

[REDACTED]

Dear [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 22 June 1999. 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.

The Board found you enlisted in the Navy on 11 June 1992 at the age of 19 and served without disciplinary incident.

Your record reflects that for the period from 1 February to 30 November 1995, you received an adverse performance evaluation in which you received an overall evaluation of 2.6, and prior recommendations for advancement and retention were withdrawn. In this special performance evaluation, the reporting senior also noted that you were not recommended for advancement, retention, or reenlistment due to your substandard performance and deteriorating personal behavior. The evaluation noted, in part, that you were counselled on several occasions for unauthorized absences, falsifying a planned maintenance systems log, loss of a military identification code, making unauthorized long distance telephone calls at the expense of the government, disobeying lawful orders, absences from your appointed place of duty, financial responsibilities, letters of indebtedness.

On 10 June 1996, while serving in paygrade E-3 and at the expiration of your enlistment, you were honorably released from

active duty and transferred to the Naval Reserve at the completion of your military obligation. At this same time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that would like your reenlistment code changed to so you may enlist in the Army National Guard. The Board also considered your contentions that your ability to serve was impaired by the death of your first child and your divorce, and that the foregoing circumstances were not taken into consideration when the RE-4 reenlistment code was assigned. However, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code given the nonrecommendation for advancement and reenlistment in the performance evaluation for the period 1 February to 30 November 1995. The Board further considered the letters of character reference and appreciation submitted in support of your case. However, absent any performance evaluation for the period December 1995 to June 1996, the Board concluded your reenlistment code was proper as issued and no change is warranted. Accordingly, 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,

W. DEAN PFEIFFER
Executive Director