



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 2295-99
20 August 1999



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 18 August 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The record provided for the Board's review is incomplete. However, available records indicate that you enlisted in the Naval Reserve on 17 November 1990 for eight years at age 20. You were ordered to active duty for a period of two years on 26 November 1990. The record reflects that you served without any disciplinary actions, but were not advanced beyond pay grade E-1 in two years of service. You were honorably released from active duty on 25 November 1992, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code.

Under regulations in effect at the time, individuals discharged in pay grades E-1 and E-2 were not authorized to reenlist and assignment of an RE-4 reenlistment code was required. The Board noted that during your two years of active service you failed to advance in pay grade. The Board also noted that at the time of your enlistment, you were 20 years old, a high school graduate with average intelligence. It appeared to the Board you should

have been able to advance to pay grade E-2 prior to your release from active duty. Had you been advanced to pay grade E-2 the Board might be more sympathetic to your case. The Board noted the letter of reference your commanding officer provided upon your release from active duty. Since you were treated no differently than others released under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board thus concluded the reenlistment code was proper 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