



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

ELP  
Docket No. 825-01  
21 June 2001

[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 for the Board for Correction of Navy Records, sitting in executive session, considered your application on 20 June 2001. 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 reflects that you reenlisted in the Navy on 11 November 1994 as a GM3 (E-4). The number of years for which you enlisted could not be determined since the enlistment contract is illegible. At the time of your reenlistment, you had completed nearly six years of prior active service. You served without incident until 16 February 1995, when you received nonjudicial punishment (NJP) for stealing \$10 from another service member and soliciting an AR (E-1) to steal \$5 from a service member. Punishment imposed consisted of a suspended reduction in rate to GMGSN (E-3), a forfeiture of \$300, and 20 days of restriction and extra duty.

Your served without further incident, were recommended for retention and honorably discharged on 10 December 1999 by reason of "Non-Retention on Active Duty." You were assigned a separation code of "JGH" and a reenlistment code of RE-6.

Although the DD Form 214 indicates that you passed the examination for GM2, it does not indicate you were a selectee for advancement. You received separation pay of \$14,706.52.

Regulations provide for the assignment of separation code "JGH" to individuals who are involuntarily separated for failure to meet high-year tenure (HYT) requirements. At the time of your discharge, ten years was the HYT limit for individuals serving in pay grade E-4. Reenlistment beyond these limits was not authorized without a waiver from the Commander, Navy Personnel Command. The Board noted that you request that the separation code be changed to "JBK." That code is assigned to individuals who are involuntarily discharged upon completion of required active service. While it appeared to the Board that you were discharged upon completion of your required active service, the reenlistment code determines eligibility for reenlistment. Regulations authorize the assignment of an RE-6 or RE-4 reenlistment code to an individual in pay grade E-4 who is discharged by reason of "completion of required active service" or "non retention on active duty." An RE-6 means that the individual is ineligible for reenlistment due to the HYT factor. An RE-4 reenlistment code means an individual is ineligible for reenlistment without prior approval. Since neither the reason for discharge nor the separation code are stigmatizing, the Board could find no basis for changing the separation code. Further, you were assigned the most favorable reenlistment code authorized by regulation. 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