



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

TRG
Docket No: 1352-01
30 October 2001

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 October 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.

You reenlisted in the Navy on 17 August 1997 after almost five years of active service on a prior enlistment. On 16 June 1998 you were advanced to IS3 (E-4). There are no disciplinary actions on file in your record. However, on 7 October 1999 you received a counseling entry following a violation of Article 107 of the Uniform Code of Military Justice. In the performance evaluation for the period 16 July to 16 November 2000, your rate was indicated to be ISSA (E-2) and you were not recommended for retention in the Navy. It states in the evaluation comments, in part, as follows:

... is being separated from the U. S. Navy due to high year tenure (HYT). is a willing worker, who requires routine supervision to complete tasks.

As indicated, there are no disciplinary actions on file in your service record and the reason you were reduced from IS3 to ISSA is unknown. You were honorably discharged on 16 November 2000 at the completion of 7 years, 11 months and 29 days of active service. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In your application you point out, in effect, that you were denied reenlistment due to reaching HYT and consequently should have been assigned an RE-6 reenlistment code.

Regulations allow for the assignment of an RE-6 reenlistment code when an individual serving in pay grade E-4 is denied reenlistment because of HYT. The regulations require the assignment of an RE-4 reenlistment code when an individual is denied reenlistment due to HYT because he is serving in pay grade E-2. In addition, an RE-4 reenlistment code is assigned when an individual is not recommended for retention in the last performance evaluation.

Since you were serving in pay grade E-2 and were not recommended for retention in the last performance evaluation, the Board concluded that the RE-4 reenlistment code was properly assigned. 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