



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

ELP  
Docket No. 1949-01  
6 April 2001

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 Navy Records, sitting in executive session, considered your application on 1 August 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 enlisted in the Navy on 9 August 1994 for four years at age 18. The record reflects upon completion of recruit training you were assigned to duty in Bahrain and were subsequently advanced to SKSN (E-3).

On 20 August 1995 when you were notified that you were being considered for administrative separation by reason of convenience of the government due to pregnancy. After being advised of your procedural rights, you declined to consult with legal counsel or submit a statement in your own behalf, and waived the right to have your case reviewed by the general court-martial convening authority. On 28 August 1995 the discharge authority directed that you be transferred to the transient personnel unit in Norfolk and honorably released from active duty.

On 24 September 1995, prior to leaving Bahrain, you received a nonjudicial punishment for failure to obey an order, making a false official statement, and fraud against the U.S. Government.

Punishment imposed consisted of reduction in rate to SKSA (E-2), forfeitures of \$502 per month for two months, and 60 days of restriction.

The separation evaluation report you provided for the reporting period from 9 August to 3 October 1995 shows you were assigned marginal marks of 3.0 in the categories of military knowledge performance, reliability, and personal behavior. You were not recommended for advancement. You did not provide the second page of the evaluation report which contained the reporting senior's comments. On 16 October 1995 you were honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-3B or RE-4 reenlistment code to individuals separated by reason of pregnancy. An RE-3B means the individual was discharged for pregnancy or childbirth and is eligible for reenlistment except for the disqualifying factor which led to separation. An RE-4 reenlistment code means that an individual is not recommended for retention and is ineligible for reenlistment without prior approval from the Commander, Navy Personnel Command. The Board is reluctant to substitute its judgment for that of the commanding officer who is on the scene and is in the best position to determine who should be reenlisted. The Board concluded that receiving a NJP for serious offenses within the month prior your separation provided sufficient justification for a non-recommendation for reenlistment and assignment of an RE-4 reenlistment code. The Board thus concluded that 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