



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

TRG
Docket No: 4934-01
26 September 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 25 September 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 20 May 1989 at age 18. The record shows that you served in a satisfactory manner until 30 August 1993. On that date you were convicted by a special court-martial of disobedience and disrespect. You were sentenced to 45 days restriction, 45 days hard labor without confinement, and a reduction in rate from HN (E-3) to HR (E-1). You were released from active duty on 16 September 1993 with your service characterized as honorable. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code. The DD Form 214 issued at that time shows that you were still an HN.

Regulations require the assignment of an RE-4 reenlistment code to anyone convicted by a special court-martial in the last year of service. In addition, if your last performance evaluation had been available, the Board believes it would have been an adverse evaluation that mentioned the court-martial conviction and indicated that you were not recommended for retention. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

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