



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

ELP
Docket No. 5212-01
19 November 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 15 November 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 Board found that you enlisted in the Navy on 19 September 1989 for four years at age 19. The record reflects that you served without incident until 16 June 1990 when you received nonjudicial punishment (NJP) for failure to obey a lawful order. Thereafter, you were advanced to pay grade E-3 and served for the next 32 months without incident. However, during the months of February and March 1993 you received two NJPs for absence from your appointed place of duty.

Incident to your release from active duty, you were not recommended for reenlistment. You were honorably released from active duty on 9 September 1993, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. You were honorably discharged upon completion of your obligated service on 18 November 1996.

Regulations require the assignment of an RE-4 reenlistment code to individuals who fail to meet the professional growth criteria for reenlistment or who are not recommended for reenlistment. In order to meet the professional growth criteria for reenlistment, an individual must be serving in pay grade E-4 at the time of separation or have passed an examination for advancement to pay grade E-4. The Board found no evidence in the available records that you were recommended for advancement or passed an E-4 examination. The Board concluded that three NJPs and failure to meet the professional growth criteria provided sufficient justification to warrant a non-recommendation for reenlistment and assignment of an RE-4 reenlistment code. Your desire to enlist in the Army Reserve does not provide a valid basis for changing a correctly assigned 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