



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

ELP
Docket No. 5958-01
19 December 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 of the Board for Correction of Navy Records, sitting in executive session, considered your application on 18 December 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 4 February 1992 for four years as an OS3 (E-4). At the time of your reenlistment you had completed nearly three years of prior active service.

The record reflects that you served without incident until 17 June 1993 when you received nonjudicial punishment (NJP) for three unspecified periods of unauthorized absence. Punishment imposed was a suspended reduction in rate to OSSN (E-3), a forfeiture of \$300, and 15 days of restriction.

You had no disciplinary incidents during the following 29 months. However, on 4 December 1995, you received a second NJP for failure to obey a lawful order and a UA of about nine hours. Punishment imposed consisted of a reduction in rate to OSSN, forfeitures of \$576.38 per month for two months, and 30 days of extra duty.

Incident to your release from active duty you were not recommended for reenlistment. On 3 February 1996 you were honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. You were honorably discharged upon completion of your obligated service on 19 January 1997.

Regulations require the assignment of an RE-4 reenlistment code to individuals who are not recommended for reenlistment or who fail to meet the professional growth criteria for reenlistment at the time of discharge. To meet the professional growth criteria for reenlistment, an individual on his second enlistment with less than 10 years of service, must be serving in pay grade E-4. Since you were reduced to pay grade E-3 two months prior to the expiration of your enlistment, you did not meet the professional growth criteria. The Board also concluded that two NJPs, one of which resulted in your reduction in rate, provided sufficient justification to warrant a non-recommendation for retention 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