



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

TJR
Docket No: 6648-01
12 March 2002

[REDACTED]

[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 Naval Records, sitting in executive session, considered your application on 5 March 2002. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 25 January 1978 at the age of 17, served without disciplinary incident, and were advanced in rate to AW3/(E-4). However, your record contains an administrative remarks entry dated 18 January 1981 which notes that you were not eligible for reenlistment due to your declining professional performance, failure to accept responsibilities, and unwillingness to respond to counselling. Also contained in your record is an enlisted performance record (page 9) entry which notes that you were not recommended for reenlistment.

Your record further reflects that you subsequently received an enlisted performance evaluation that assigned adverse marks of 2.0 in the marking categories of professional performance and supervisory ability, and 2.8 in the category of military behavior.

On 23 January 1981, at the expiration of your enlistment, you were honorably released from active duty and transferred to the Naval Reserve. At that time you were assigned an RE-4 reenlistment code.

On 17 January 1984, upon completion of your obligated service, you were honorably discharged. At that time you were not recommended for reenlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your assigned RE-4 reenlistment code was a form of discrimination. However, the Board concluded these factors and contention were not sufficient to warrant a change in your reenlistment code. Such a code is authorized when an individual is released from active duty and not recommended for reenlistment or retention. The Board concluded that given the counselling entry of 18 January 1981 and the substandard evaluation, the RE-4 reenlistment code was proper and appropriate. Further, the Board noted that there is no evidence in the record, and you submitted none, to support your contention of discrimination. Given all the circumstances of your case, the Board concluded your 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