



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

ELP
Docket No. 7822-00
15 June 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 for the Board for Correction of Navy Records, sitting in executive session, considered your application on 12 June 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 record reflects that you enlisted in the Navy on 25 April 1991 for four years at age 21. On 27 August 1992, you were advanced to EW3 (E-4) and extended your enlistment for an additional period of 12 months. You were further advanced to EW2 (E-5) on 16 December 1994. It appears that you reenlisted on or about 25 March 1996 for four years. However, the enlistment contract is not on file in your record.

The record reflects that you had no disciplinary actions in nearly nine years of active service. Your performance as an EW2 from July 1994 through March 1999 was consistently rated as "above standards" to "greatly exceeds standards." However, the Evaluation Report and Counseling Record, as extended, for the period 16 March 1999 to 24 March 2000 showed declining performance. The reporting senior noted that during this period you exercised poor judgment and immaturity in the handling of your financial affairs, been involved in two incidents of

domestic violence, and failed your semi-annual physical readiness test. You were not recommended for retention and were honorably discharged on 24 March 2000 with an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals who are not recommended for reenlistment. The Board noted your contention to the effect that the only derogatory material in your record is the evaluation report that was submitted upon discharge. However, the Board is reluctant to submit its judgment for that of the reporting senior who is on the scene and is best qualified to determine who should be reenlisted. The Board believed that poor judgment in handling personal financial affairs and two incidents of domestic violence provided sufficient justification for a non-recommendation for retention and assignment of an RE-4 reenlistment code. The Board 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