



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

TJR
Docket No: 5094-01
15 January 2002

[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 Naval Records, sitting in executive session, considered your application on 8 January 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 2 July 1986 at the age of 18. Your record reflects that you served for a year and 10 months without disciplinary incident but on 4 May 1988 you received nonjudicial punishment (NJP) for theft and were awarded a reduction in paygrade, \$400 forfeiture of pay, and restriction and extra duty for 15 days.

During the reporting period of 16 January to 1 July 1990 you received adverse marks of 2.8 in the marking categories of reliability and personal behavior. A marginal mark of 3.0 was assigned in the category of military bearing. The overall evaluation was a marginal 3.2

Your record contains an administrative remarks entry dated 15 June 1990 which notes that due to the nonrecommendation of your commanding officer, you were not eligible for reenlistment. On 1 July 1990 you were honorably released from active duty at the expiration of your enlistment and assigned an RE-4 reenlistment code. On 24 January 1994, upon completion of your obligation service, you were honorably discharged.

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 there is no reason for the assignment of an RE-4 reenlistment code. However, the Board concluded these factors and contention were not sufficient to warrant a change in your reenlistment code because of the serious nature of your misconduct which resulted in NJP, your marginal performance during the last six months of your enlistment, and the nonrecommendation for reenlistment by your commanding officer. An RE-4 reenlistment code is required when an individual is separated at the expiration of his term of active obligated service and is not recommended for reenlistment. Given all the circumstances of your case, the Board concluded your reenlistment code was proper as issued 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