



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

TRG
Docket No: 6940-01
8 August 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 6 August 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You were released from more than five and a half years of active duty on 4 October 1994 with your service characterized as honorable. You reenlisted in the Navy on 4 April 1995 for four years and subsequently extended that enlistment on three occasions totaling 28 months.

In the two performance evaluations covering the period from 10 July 1999 to 15 March 2001 you were assigned marks of 2.0 and 1.0 in the category of military bearing/character because of physical readiness test failure. In the performance evaluation for the period 16 March to 3 September 2001, you were also assigned an adverse mark of 1.0 in military bearing/character and were not recommended for retention in the Navy. It states in the evaluation comments follows:

... Administrative burden. Member has 4 substantiated cases for emotional abuse under the Family Advocacy Program (FAP) and has been determined to be a FAP failure. He submitted an appeal to BUPERS and it was denied. The last case happened during the appeal time.
.... Would have had a promising career but was cut

short due to his FAP failures.

You contend in your application that regulations no longer require an adverse mark in military bearing/character for PRT failures and that the RE-4 reenlistment code was assigned because of multiple 2.0 or lower marks in the same category in a 36 month period.

The Board found that the last performance evaluation documenting your FAP failures was sufficient to support the assignment of the RE-4 reenlistment code without consideration of previous evaluations and concluded that the RE-4 reenlistment code was properly assigned.

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