



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

TRG
Docket No: 7379-01
21 March 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 19 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 26 February 1974 for four years in the rate of AZC (E-7). You then served in an excellent manner for several years. However, the two performance evaluations covering the period 1 October 1976 until 25 February 1978 are adverse and you were not recommended for advancement or retention in the Navy in either evaluation. The comments in the first evaluation state, in part, as follows:

... Unfortunately the lack of team spirit negative approach to established Navy policy and open criticisms have been detrimental to command goals and standards.
.... Potentially ratee is not a good risk for he has pointedly espoused his dislike for Navy regimentation and its way of life. It is a shame that such a talented individual finds the Navy so distasteful, however, he rates his opinion and is respected for it. But consequently a positive recommendation for advancement or retention in the Naval service must be withheld.

The comments in the second evaluation state, in part, as follows:

... overall lack of initiative in all areas other than that directly associated with his assigned administrative duties reflects his negative viewpoint towards military life. Continued reminders and orders by seniors go unheeded. unable to demonstrate the initiative, resourcefulness, or leadership characteristics necessary in today's Navy while actively pursuing his own personal objectives. (He) is not recommended for advancement or retention.

You were honorably discharged at the expiration of your enlistment on 25 February 1978 and were assigned an RE-4 reenlistment code. At that time you had completed over 13 years of active service.

You state in your application that you need a change in the reenlistment code so that you can enlist in the National Guard and serve until you are eligible to retire. You also state that you have earned a masters degree in social work and have submitted evidence showing that you are employed by the State of Virginia as a clinical social worker.

In order to qualify for reserve retirement at age 60, an individual must have 20 qualifying years of service, the last eight of which must be in the reserve component. Since you were born on 11 May 1945 and are now 56 years old, it does not appear that you can qualify for any form of military retirement even if the 13 years of active service is considered.

Given your excellent service prior to the last two performance evaluations, it is clear that you knew how to be successful in the military. Therefore, the last two adverse performance evaluations indicate that you did not want to be in the Navy. The Board concluded that two consecutive adverse performance evaluations were sufficient to support the assignment of the RE-4 reenlistment code.

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