



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

ELP
Docket No. 7478-01
28 February 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 Navy Records, sitting in executive session, considered your application on 27 February 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 enlisted in the Naval Reserve on 28 February 1989 for eight years at age 20. You were ordered to active duty on 2 May 1989 for a period of 36 months in the Active Mariner Program. The record reflects that you were advanced to MSSN (E-3) and, on 17 October 1991, extended your active service for an additional period of six months.

Your Enlisted Performance Record (Page 9) indicates you received a nonjudicial punishment (NJP) on 19 February 1992. However, the offenses are not shown in the record. A 25 March 1992 Court Memorandum (Page 7) shows that a forfeiture of \$482 suspended on 19 February 1992 was vacated due to continued misconduct. On the same day, you received a second NJP for assault. Punishment imposed consisted of 30 days correctional custody, a forfeitures of one-half of one month's pay for two months, and reduction in rate to MSSA (E-2). Both the forfeitures and reduction were suspended for six months.

A page 9 entry shows that you were assigned adverse marks of 2.6 in military bearing and personal behavior for the reporting period 1 February to 16 October 1992, and you were not recommended for reenlistment. On 24 October 1992 you were honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. You were honorably discharged upon completion of your military obligation on 27 February 1997.

Regulations require the assignment of an RE-4 reenlistment code to individuals who are not recommended for reenlistment. Your contention that prior to leaving the ship you were ordered by a female first class petty officer to wait for a second set of evaluations is neither supported by the evidence of record nor by any evidence submitted in support of your application. The Board concluded that two NJPs and an adverse performance evaluation within the last eight months of service provided sufficient justification to warrant a non-recommendation for reenlistment and assignment of an RE-4 reenlistment code. The Board thus 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