



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

CRS
Docket No: 2105-02
16 August 2002



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 14 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.

The Board found that you reenlisted in the Navy on 18 October 1990 after more than three years of prior active service. The record reflects that on 20 May 1994 you received nonjudicial punishment, but the details are not entered in your record. On 3 August 1995 you received a second nonjudicial punishment for an unauthorized absence of three days, missing movement, and disrespect. The punishment imposed consisted of forfeitures of \$100 per month for two months, restriction and extra duty for 30 days, and reduction in pay grade from petty officer third class (DC3; E-4) to fireman (FN; E-3). On 2 May 1996 you received an honorable discharge by reason of parenthood. At that time, you were assigned a reenlistment code of RE-4.

The Board concluded that your two nonjudicial punishments were sufficient to support the assignment of the RE-4 reenlistment code. Additionally, individuals separated in pay grade E-3 after four years or more of active duty must be assigned an RE-4 code if they are not recommended for advancement. Such individuals are subject to an absolute maximum of six years service. The

Board thus concluded that there is no error or injustice in your reenlistment code.

Concerning your request to restore you to pay grade E-4, the Board noted your contention. However, you have submitted no evidence, and the record contains none, to support the contention that a mistake was made. In the absence of such evidence, the Board presumed that your commanding officer did not abuse his discretion in reducing you. Thus the Board concluded that your nonjudicial punishment was not unjust.

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