



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

TRG
Docket No: 214-02
14 November 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 13 November 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 Navy on 26 April 1989 at age 18, satisfactorily completed initial training and, on 4 March 1990, reported to your first duty station. On 4 September 1990 and 10 May 1991 you received nonjudicial punishment for assault, disobedience and disrespect. You then served for almost two years without any further disciplinary action and passed an advancement examination for petty officer third class. You were released from active duty on 23 April 1993 with your service characterized as under honorable conditions. At that time, you acknowledged the assignment of an RE-4 reenlistment code due to substandard performance, lack of motivation and a total disregard for authority and regulations. Subsequently, you were erroneously issued an honorable discharge at the end of your military obligation instead of the general discharge required by the characterization of service on your release from active duty.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct and overall trait averages were 2.8 and 2.75, respectively. A minimum average mark of 3.0 in conduct was required at the time of your separation for a

fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your period of good service, and your desire to use your Montgomery G.I. Bill educational benefits and to serve in the National Guard. The Board found that these factors were insufficient to warrant recharacterization of your service on release from active duty, given your disciplinary record and failure to achieve the required average mark in conduct.

Concerning the reenlistment code, the Board noted that in your last performance evaluation, you were assigned an adverse mark of 2.8 in rate knowledge and marginal marks of 3.0 in two other categories. The Board concluded that your overall record, final adverse performance evaluation and the comments concerning your conduct and performance in your acknowledgement of the RE-4 reenlistment code were sufficient to support the assignment of that 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