



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

WMP
Docket No: 3796-02
12 December 2002



Dear [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 11 December 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, 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 enlisted in the Navy on 30 October 1997 for four years at age 18. The record reflects that you served without incident until 31 March 1999, when you received nonjudicial punishment (NJP) for a 15 day period of unauthorized absence, from 8 to 23 February 1999. The punishment imposed was forfeitures of \$537 per month for two months, 30 days of restriction, and a reduction in rate.

Your record reflects that you were again an unauthorized absentee from 7 to 13 August 2000, a period of 6 days. A review of your record indicates that this absence was not excused, however, there is no disciplinary action in the record for this offense.

Your record further reflects that you received an adverse special enlisted performance evaluation for the period of 16 June to 12 November 2001 to document the removal of recommendations for your advancement and retention. In this evaluation, you received adverse marks of 1.0 in the marking categories of quality of work, military bearing/character, and teamwork; and marginal marks of 2.0 in the categories of equal opportunity, personal job accomplishment/initiative and leadership. The overall evaluation mark was 1.71. The reporting senior stated that you "continue to show no improvement in your performance, attitude and initiative. Fails far below the standards and expectations of a third class petty officer. Demonstrates a flagrant disregard for authority and military courtesies." He further stated that you "need excessive supervision, does not respond to counseling, and creates conflict within the division" and that you "need to make drastic improvements in your overall performance in order to continue your naval career."

On 22 November 2001, you received NJP for destruction of government property. The punishment imposed was a forfeiture of \$200.

On 15 March 2002 you were honorably released from active duty, transferred to the Naval Reserve at the completion of your required active service, and assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your contention that you served over four years on active duty. However, the Board concluded that your reenlistment code was appropriately assigned based on your overall performance during your enlistment, the two periods of unauthorized absence, the two NJP's, and numerous counseling during your last year of active duty. 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