



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

SJN  
Docket No: 06556-11  
21 July 2011

[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 July 2011. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.


You enlisted in the Navy and began a period of active duty on 28 March 2002. The Board found you were convicted by summary court-martial (SCM) of making a false official statement, larceny, forgery, and fraud against the United States. You were sentenced to 60 days restriction, a reduction in paygrade, and a suspended forfeiture. On 16 January 2006, you signed a performance evaluation covering the period from 16 July to 2 December 2005, that removed your recommendation for advancement and retention due to you failing the physical fitness assessment three times in a four year period. Additionally, it stated you had all the attributes to excel but lacked the initiative to accomplish the smallest task without constant supervision. On 26 February 2006, you were honorably released from active duty by reason of "reduction in force". At that time you were assigned an RE-4 reenlistment code. You were discharged on 14 March 2010.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, and interest in joining the Army. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code given your SCM conviction of very serious offenses, and unfavorable recommendation for advancement or retention by your commanding officer. In this regard, an RE-4 reenlistment code is authorized when an individual is separated due to a "reduction in force" and is not recommended for retention. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

With regard to your paygrade on your DD Form 214 at the time of your discharge, because your request is for an administrative correction which does not require action by this Board, you may submit a request to the Department of the Navy, Navy Personnel Command (BUPERS), Code Pers-312, 5720 Integrity Drive, Millington, Tennessee 38055-3120.

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