



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

SJN
Docket No: 09858-10
22 June 2011

[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 21 June 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 23 September 2003. The Board found that on 12 April 2005, you were convicted by summary court-martial (SCM) of conspiracy, disobedience, and making a false official statement. On 9 July 2007, you received nonjudicial punishment (NJP) for disobedience. On 1 August 2007, you signed an enlisted evaluation covering the period from 16 July 2006 to 15 July 2007 that recommended you for promotion and retention. However, a review of your record shows that all of your requirements for advancement to paygrade E-4 were not completed. Subsequently, on 22 September 2007, you were released from active duty while serving in the paygrade of E-3 and transferred to the Navy Reserve. At that time, you were assigned a reentry code of RE-4.

Navy directives state that professional growth criteria must be met before an individual may reenlist. The instruction states, in part, as follows:

... To satisfy professional growth criteria for the first reenlistment...the member must be: (1) serving as a petty officer or, (2) serving in paygrade E-3 having passed an examination for advancement to paygrade E-4 and be currently recommended for

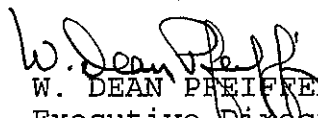
advancement, or (3) have formerly been a petty officer in current enlistment and be currently recommended for advancement to paygrade E-4. Failure to meet the professional growth criteria may result in denial of further extensions or reenlistment...

An individual separated in paygrade E-3 who fails to meet the above criteria may receive an RE-3R reentry code if he/she is recommended for advancement to paygrade E-4 at the time of separation. If not, the individual must be assigned an RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reentry code given your SCM conviction of serious offenses, NJP, and the fact that although you were recommended for retention, and were serving in paygrade E-3, you had not passed an examination for advancement to paygrade E-4 prior to your release from 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 PREIFFER
Executive Director