



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

CRS
Docket No: 10699-10
4 February 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 15 December 2010. 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 enlisted in the Navy on 25 September 2006. You received nonjudicial punishment on 30 June 2008 for assault. On 25 May 2009 you were frocked to E-5. On 7 November 2009 you received nonjudicial punishment for using provoking speeches or gestures while holding a knife. The punishment imposed consisted of restriction for 60 days and reduction to pay grade E-3. On the same date your commanding officer withdrew your recommendation to E-5. On 7 April 2010 you received an honorable discharge by reason of reduction in force, and were assigned a reentry code of RE-3M.


The Board found no merit in your request for adjustment of your rank to E-5. It concluded that your commanding officer acted reasonably in your case when he withdrew the recommendation for your advancement. In addition, he was in the best position to resolve the factual issues and to impose appropriate punishment. There is no credible evidence that you did not commit the charged

offense.

An RE-3M reentry code is authorized by regulatory guidance for individuals discharged due to a reduction in force. The Board thus concluded that there is no error or injustice in your reentry 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