



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

TJR
Docket No: 11028-10
20 October 2010

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 October 2010. The names and votes of the members of the panel will be furnished upon request. 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 on 3 April 2001 at age 20 and served without disciplinary incident. However, your record contains an administrative remarks entry dated 13 August 2001 in which you were counselled regarding deficiencies in your performance and/or conduct, specifically, your failure to complete family care plan arrangements. Shortly thereafter, you submitted a family care plan certificate which stated that you could not comply with the Navy's dependent care policy which made you ineligible for deployment worldwide. As a result of this action, on 16 August 2001, you submitted a written request for an administrative separation due to parenthood. Your request was approved and the discharge authority directed an

uncharacterized entry level separation by reason of erroneous entry. On 30 August 2001, while serving in paygrade E-1, you were so separated and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to have your RE-4 reenlistment code changed so that you may reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code. The Board concluded that your failure to complete recruit training and noncompliance with the Navy's dependent care policy were sufficient to support the assignment of an RE-4 reenlistment code. Further, such a code is authorized by regulatory guidance and normally assigned to Sailors who are serving in paygrade E-1, have not completed a full term of enlistment, and are separated due to the convenience of the government. Finally, there is no evidence in the record, and you submitted none, to demonstrate that your parenthood situation has changed or that you are now able to be deployed. Absent this evidence, the Board concluded that the RE-4 reenlistment code is appropriate. Accordingly, your application has been denied.

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