



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No: 3283-16

FEB 0 • 2017

[REDACTED]
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 November 2016. 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, began a period of active duty on 16 August 2004, and served three years and seven months without disciplinary incident. On 11 February 2008, you received nonjudicial punishment (NJP) for an unauthorized absence and were reduced in rate to E-3.

Your record is incomplete in that it does not contain all of your performance evaluations or Page 13 entries. Based on your Certificate of Release or Discharge from Active Duty (DD Form 214), you received an Honorable Discharge on 15 August 2008 after the completion of your required active service, received a separation code of "MBK," and were assigned an RE-4 reentry code.

Sailors must meet professional growth criteria before an individual may reenlist at the end of their obligated service. To satisfy professional growth criteria for the first enlistment, sailors must be serving as a petty officer, or have formerly been a petty officer in the current enlistment and are currently recommended for advancement to E-4. If an E-3 sailor is not recommended for advancement to paygrade E-4 at the time of separation, the sailor must be assigned an RE-4 reenlistment code. An RE-4 may also be assigned for an if the E-3 sailor is not recommended for reenlistment by the Commanding Officer.

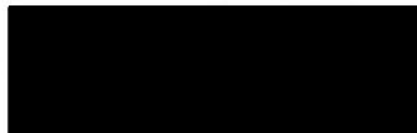
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors such as your desire to change your RE-4 to a RE-2 reentry code, and your contentions that your character of service was honorable and there was no reason for you to be barred from reenlisting. The Board also weighed your contentions you could have been recalled to active duty at any time during your inactive reserve commitment, and the RE-4 must be an administrative error made by the separations clerk. However, the Board concluded these factors were not sufficient to warrant relief in your case because your assigned RE-4 reentry code was authorized in accordance with established regulations and guidelines at the time of your separation.

Additionally, the RE-2 reentry code you requested was inapplicable in your set of circumstances. An RE-2 reentry code would have been authorized for a member ineligible for reenlistment due to the member being transferred to Fleet Reserve, retired, or receiving an officer commitment or advancement to warrant officer.

Finally, although your record is incomplete, it is important to keep in mind that a presumption of regularity attaches to all official records. Accordingly, your RE-4 code must have been assigned as a result of either not being recommended for advancement to E-4, or not being recommended for reenlistment by the CO. Unfortunately, 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. For example, you should include any close out/detaching evaluations from August 2008, and all Page 9/Page 11/Page 13 entries at the time of your separation recommending you for advancement and/or reenlistment in your reconsideration request. 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,



Executive Director