



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

[REDACTED]
Docket No: 7850-16
/352-11

NOV 01 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your recent reconsideration request. You previously petitioned the Board and were advised in our letter of 21 October 2011 that your application had been denied. Your case was reconsidered in accordance with Board for Correction of Naval Records procedures that conform to Lipsman v. Secretary of the Army, 335 F. Supp. 2d 48 (D.D.C 2004).

Your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session on 9 August 2017. The names and votes of the members of the panel will be furnished upon request. Documentary material considered by the Board consisted of your Application for correction of Military Record (DD Form 149), any material submitted in support of your application, and your prior case file.

After careful and conscientious consideration of the entire record, the Board determined your correspondence, even though not previously considered by the Board, was insufficient to establish the existence of material error or injustice. The Board determined your desire to reenter the Navy and contention that you were given an incorrect reenlistment code, were not enough to outweigh your misconduct, deficiencies in performance, failure to meet the required physical fitness standards and a non-recommendation for retention. The RE-4 reenlistment code was correctly assigned based on your overall record and non-recommendation for reenlistment at the time of separation. Finally, each branch of the Armed Forces established its own criteria for enlistment within the provisions of federal law. The reenlistment code assigned by the Navy is not binding upon the other services, which are free to accept or reject an application on the basis of their own standards. If another branch of service decides to waive your reenlistment code and accept you for enlistment, the Navy will not object. Accordingly, your application has been denied.

It is regrettable 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. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official record, the burden is on the applicant to demonstrate the existence of material error or injustice.

Sincerely,


Executive Director