



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 3195-99

13 September 1999

Dear [REDACTED]

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 9 September 1999. 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 reenlisted in the Navy on 23 April 1984 for four years as an MS3 (E-4). At the time of your reenlistment, you had completed nearly four years of prior active service.

The record reflects that you served nearly 29 months without incident. However, during the five month period from October 1987 to March 1988 you received three nonjudicial punishments (NJP) for offenses which included a 19 hour period of unauthorized absence, an unspecified absence offense, driving under the influence of alcohol, and making a false official statement. As the result of the third NJP, you were reduced in rate to MSSA (E-2).

Incident to your discharge, you received an adverse enlisted performance evaluation for the period from 1 July 1987 to 8 April 1988. Adverse marks of 2.6 and 2.8 were assigned in the rating categories of "reliability", "military bearing", "personal

behavior", and "military knowledge/performance", "rating knowledge/performance", and "initiative." You were not recommended for advancement or retention. On 8 April 1988 you were honorably discharged by reason of "Early Separation Under an Authorized Program or Circumstance-FY 88 Selective Involuntary Early Separation" and assigned an RE-4 reenlistment code. It appears that block 9 of your DD Form 214 is in error and should have read "NA" rather than Naval Reserve Personnel Center, New Orleans, LA, since you had completed your military obligation and were discharged.

Regulations require the assignment of an RE-4 reenlistment code to individuals who receive more than two NJPs within the year preceding the expiration of their enlistment, or who are discharged in pay grades E-1 or E-2. Individuals discharged in pay grades E-1 or E-2 are not authorized reenlistment. Since you were treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The fact that your averages in military behavior and overall traits were satisfactory and you received an honorable discharge did not preclude the assignment of an RE-4 reenlistment code. The Board concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Correction of block 9 of your DD Form 214 is an administrative correction which does not require action by the Board. A request for this correction may be submitted to the custodian of your record the National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132.

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