



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

ELP
Docket No. 3134-99
13 September 1999

[REDACTED]

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 enlisted in the Navy on 10 February 1998 for four years at age 18. Your recruit performance record reflects that on 14 March 1998 you failed battle stations due to failure to double time from the pool to the galley. However, you received medical assistance for injury you suffered during battle stations. On 16 April 1998, you failed battle stations for the second time and it was recommended that you be set back in training for two weeks and be given additional time to pass battle stations. However, it appears that you were placed in a physical fitness training program for a week instead. You failed battle stations for the third time on 30 April 1998.

On 5 May 1998 you were notified that an entry level separation was being considered by reason of entry level performance and conduct. After being advised of your procedural rights, you declined to consult with counsel and waived your right to have your case reviewed by the general court-martial convening

authority. You received an uncharacterized entry level separation on 11 May 1998 and were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals separated by reason of entry level performance and conduct. The Board noted your contentions to the effect that the system was unfair in that facilitators made the faster people set the pace and the slower people ended up falling behind, that some facilitators taught everyone to work as a team and carry the slower recruits, while your facilitator told everyone it was every man or woman for themselves. However, the Board noted that you were given three opportunities to pass battle stations and there was no evidence of any lasting medical condition which would have precluded you from passing battle stations on your second or third attempt. 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 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.

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