



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

WMP

Docket No: 3909-02

18 October 2002

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 October 2002. 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, 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 4 October 1996 for four years as a seaman (E-3) after three years of prior naval service. The record reflects that you were advanced to second class petty officer (E-5) on 16 June 2000.

Your record reflects on 15 March 2000 that you received an adverse enlisted performance evaluation for the period of 16 June 1999 to 15 March 2000. In this evaluation you received adverse marks of 1.0 in the marking category of quality of work and 2.0 in the categories of military bearing and character, personal job accomplishment and initiative and leadership. The overall evaluation mark was 2.29. Additionally, you were not recommended for advancement or retention. The commanding officer stated that you were "not always dependable and reliable because her personal desire to terminate active duty outweighs

her performance." He further stated that you were "counseled numerous times for failure to follow division procedures and basic military regulations, conveniently misunderstands directions and is not receptive to counseling" and "fails to train and develop junior subordinate."

Additionally, you received an adverse enlisted performance evaluation for the period of 16 March to 16 June 2000. During this period, you received adverse marks of 1.0 in the category of quality of work and a 2.0 in the categories of leadership and job accomplishment/initiative. The overall evaluation was 2.43. You were again not recommended for advancement or retention. Your commanding officer stated that you "frequently were not dependable and reliable because of her desire to terminate active duty outweighed her commitment to DIA's mission" and that you were "counseled numerous times for failure to follow division procedures and basis military regulations, conveniently misunderstands directions and is not receptive to counseling."

On 12 July 2000, at your request, you received an honorable discharge to attend an educational facility. At that time, you were assigned an RE-4 reenlistment code. You were counseled concerning the assignment of an RE-4 reenlistment code and advised that you were ineligible to reenlist.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your contention that you were not aware of the limitations of your reenlistment code. However, the Board concluded that your reenlistment code was assigned based on your performance during your last year on active duty, and that you were counseled concerning the fact that you were not eligible to reenlist. 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