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

ELP
Docket No. 1912-99
12 August 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 11 August 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 25 September 1987 for three years as an AZ2 (E-5). At the time of your reenlistment, you had completed eight years of prior active service.

The record reflects that you received an adverse enlisted performance evaluation for the period 16 October 1987 to 6 May 1988 in which adverse marks of 2.8 were assigned in the rating categories of "reliability", "initiative", and "rate knowledge". The recommendation for your advancement to AZ1 (E-6) was withdrawn.

On 21 August 1989, as a result of the foregoing evaluation, you were issued a letter of substandard service by Commander, Naval Military Personnel Command (NMPC-831) for performance below acceptable standards. That letter prohibited any further reenlistment or extension without NMPC approval.

On 27 November 1989 your enlistment was extended for an additional period of 14 months to accept orders. You were advanced to AZ1 on 16 June 1990.

The record further reflects that during the eight month period from December 1990 to August 1991 you were counseled at least five times regarding your poor performance, substandard personal behavior, negative influence on junior personnel, tardiness, lack of motivation, and your poor working relationship with peers. You were also warned that failure to take corrective action on your deficiencies could result in administrative separation processing.

On 10 September 1991, the commanding officer withdrew his recommendation for your advancement to AZC (E-7) due to your poor performance and lack of responsibility. A special evaluation was submitted to document your substandard performance. The reporting senior described you as a lackadaisical supervisor who lacked interest in any assignment that was not to your liking. He also noted that your constant complaining and unwillingness to contribute to the work effort had a detrimental impact on division morale, and that you were extremely argumentative with superiors. You were not recommended for retention.

On 24 November 1991 your enlistment was extended for administrative purposes for the convenience of the government. On 3 December 1991 you were convicted by a special court-martial of failure to obey a lawful order. You were sentenced to a forfeiture of $500. You were honorably discharged on 3 January 1992 and assigned an RE-4 reenlistment code.

Regulations requires the assignment of an RE-4 reenlistment code to an individual who has a special court-martial conviction in the year preceding the expiration of the enlistment, has been issued a letter of substandard service by NMPC-831 and the reenlistment restriction has not been lifted, or is not recommended for reenlistment by the commanding officer. The Board noted your contentions that you had a personality conflict with your superiors and the command would not recommend you for an extension in order to remove the reenlistment restriction. However, the Board concluded that a letter of substandard service, documented counseling on at least five occasions, and special court-martial conviction provided sufficient justification for the commanding officer's non-recommendation for reenlistment and 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.

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