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

TRG
Docket No: 1942-99
26 April 2000

[redacted]

Dear [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 25 April 2000. 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 8 January 1982 at age 17. The record shows that during the period from 23 April 1982 until 28 June 1984 you received nonjudicial punishment on six occasions for four instances of disobedience, failure to go to your appointed place of duty, breaking restriction, and drunk and disorderly conduct. You then served for over two years without further disciplinary infractions. On 9 September 1986 and 4 December 1986 you received nonjudicial punishment for two periods of unauthorized absence totaling about two days. These nonjudicial punishments resulted in your reduction in rate from CM3 (E-4) to CMSA (E-2). You were released from active duty on 9 January 1987 with your service characterized as honorable. At that time you acknowledged that you were not recommended for reenlistment and would be assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, and the documentation you submitted showing that you have been a good citizen since discharge. The Board found that a record which included eight nonjudicial punishments, two of which occurred in your last few months of service, was sufficient to support the

assignment of an RE-4 reenlistment code. In addition, regulations required the assignment of an RE-4 reenlistment code to an individual serving in pay grade E-2 at the expiration of the enlistment. The Board concluded that the RE-4 reenlistment code was properly assigned 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