



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7519-98

14 July 1999

[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 7 July 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.

Your service record is incomplete in that none of the documents which would normally be sent in for file upon an individual's release from active duty or at the end of a military obligation have been filed in the record. Therefore, the Board considered your case based on the incomplete record and the documentation you submitted.


The Board found that you enlisted in the Navy on 5 April 1988 at age 18. The Enlisted Performance Record (Page 9) shows that you served without any disciplinary infractions until 9 January 1992. During this period you served in a generally satisfactory manner but were assigned several marginal or adverse marks in the category of military bearing. In addition you were advanced to ABE3 (E-4) on 16 December 1990. On 9 January 1992 you received nonjudicial punishment for an unspecified offense. The next day, on 10 January 1992, you were released from active duty. The page 9 shows that on 10 January 1992 you were assigned adverse marks of 2.8 in the categories of military bearing and personal behavior and were not recommended for reenlistment. Because you were not recommended for reenlistment you were assigned an RE-4 reenlistment code.

You state in your application that you desire a change in your reenlistment code so that you can serve in the Army. You further state that you are a professional Emergency Medical Technician and are well qualified to serve in the military.

The Board found that a record which included a series of poor evaluations in the category of military bearing, a nonjudicial punishment the day prior to your release from active duty, and the final adverse performance evaluation were sufficient to support the assignment of the RE-4 reenlistment code. 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