



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7149-98

15 April 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 13 April 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 16 July 1970 at age 18. The record shows that you received nonjudicial punishment on two occasions and were convicted by a summary court-martial. Your offenses were three periods of unauthorized absence totaling about eight days. Subsequently you were processed for separation under an early release program. You were issued a general discharge on 16 January 1973. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct and overall trait averages were 2.4 and 3.21, respectively. A minimum average mark of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

On 23 February 1977 the Naval Discharge Review Board (NDRB) concluded, by a three to two vote, that a summary court-martial conviction for an unauthorized absence of about 13 hours and the assignment of a 1.0 mark in conduct at that time was unduly severe. Subsequently, the majority recommendation of the NDRB to

recharacterize the discharge to honorable was approved. Your record has been corrected to show that you received an honorable discharge on 16 January 1973.

Subsequently, you were granted a waiver and enlisted in the Army National Guard on 27 March 1987. You then served in an excellent manner until you were honorably discharged in the grade of SGT (E-5) on 26 March 1998. You were recommended for reenlistment at that time.

You are now requesting a change in the RE-4 reenlistment code assigned by the Navy so that you can enlist in the Naval Reserve.

You contend that your many years of excellent service in the National Guard shows that you have overcome the problems which led to the assignment of the RE-4 reenlistment code by the Navy.

The Board concluded that a record which included three disciplinary actions was sufficient to support the assignment of an RE-4 reenlistment code. The Board noted your years of good service in the National Guard, but concluded that it did not outweigh your record of three disciplinary actions in the Navy. 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