



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

ELP
Docket No. 985-01
29 June 2001

[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 Navy Records, sitting in executive session, considered your application on 27 June 2001. 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.

You enlisted in the Naval Reserve on 22 January 1994 for eight years and were ordered to active duty on 26 July 1994 for a period of three years. The record reflects that you were advanced to SA (E-2) and served for 25 months without incident. However, during the seven month period from February to September 1996 you received three nonjudicial punishments (NJP). Your offenses consisted of two instances of assault, communicating a threat, disrespect, disorderly conduct, and dereliction of duty. During this period, you also missed ship's movement during an eight day period of unauthorized absence, from 28 May to 4 June 1996. No disciplinary action is shown in the record for these offenses. However, the loss time was not excused.

Incident to your release from active duty, you were recommended for retention. On 25 July 1997, you were honorably released from active duty in pay grade E-2, transferred to the Naval Reserve,

and assigned an RE-4 reenlistment code.

Individuals discharged in pay grade E-1 or E-2 are not authorized reenlistment and regulations require the assignment of an RE-4 reenlistment code. The Board noted your contention that you were recommended for reenlistment and received an honorable characterization of service. The Board also noted that in three years of active service you could have and should have advanced beyond pay grade E-2. The fact that you received an honorable characterization of service does preclude the assignment of an RE-4 reenlistment code. The Board noted that three NJPs, two within the last year of service, also provided a sufficient basis for assignment of an RE-4 reenlistment code. Since you were treated no differently than other E-2's separated under similar circumstances, the Board could find no error or injustice in your 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