



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

TRG
Docket No: 1234-00
11 July 2001

[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 10 July 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.

Your record shows that you enlisted in the Navy on 26 May 2000 at age 19. On 4 August 2000 you were counseled concerning deficiencies in performance and conduct. That same day, you began a period of unauthorized absence which lasted until you surrendered on 13 September 2000. On 21 September 2000 you received nonjudicial punishment for this 39 day period of unauthorized absence. The punishment imposed included forfeitures of pay and restriction.

Subsequently you were processed for an administrative separation by reason of misconduct due to your commission of a serious offense. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 28 September 2000 the separation authority directed an entry level separation by reason of misconduct and you were so separated on 4 October 2000. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

You contend in your application that the RE-4 reenlistment code was improperly assigned because a charge of disobedience was

dismissed by the commanding officer. This apparently was the misconduct which resulted in the counseling entry of 4 August 2000. However, you were separated because of the 39 day period of unauthorized absence.

Regulations require the assignment of an RE-4 reenlistment code when an individual is separated by reason of misconduct. Since you have been treated no differently than others separated for that reason, the Board could not find an error or injustice in 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