



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

TRG
Docket No: 7428-00
8 August 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 7 August 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 Navy on 13 November 1995 at age 18. On 28 June 2000 you received nonjudicial punishment for wrongful use of a controlled substance and disobedience. The punishment imposed included forfeitures of pay of \$1496 and a reduction in rate to GM3 (E-4). In the performance evaluation for the period 29 June to 12 October 2000, you were assigned adverse marks of 1.0 in the categories of military bearing/character and teamwork, and were not recommended for advancement or retention in the Navy. You were released from active duty on 21 November 2000 with your service characterized as honorable. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

You state in your application, in effect, that an administrative discharge board recommended your retention in the Navy and, consequently, you should have been recommended for reenlistment. The ADB is not filed in your record and the reason you were recommended for retention is unknown.

The Board concluded that the nonjudicial punishment for drug abuse 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