



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

ELP
Docket No. 7954-01
11 April 2002



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 10 April 2002. 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 Naval Reserve on 23 February 1985 for eight years at age 20. You were ordered to active duty on 21 January 1986 for a period of 36 months in the Active Mariner Program.

The record reflects that you were advanced to AN (E-3) and served without incident until 15 May 1987, when you were convicted by civil authorities of driving under the influence of alcohol. In addition to a three-year suspended sentence, you were fined \$750, your driver's license was suspended for 90 days, and you were ordered to attend the Naval Alcohol and Drug Safety Action Program.

You served for the next 16 months without incident. However, during the three month period from September to November 1988 you received two nonjudicial punishments (NJP) for dereliction of

duty and failure to go to duty section muster. As a result of these two NJPs, you were reduced in rate to AR (E-1).

On 20 January 1989 you were honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. You were honorably discharged upon completion of your military obligation on 23 February 1993.

Regulations prohibit the reenlistment of individuals separated in pay grade E-1 or E-2, and require the assignment of an RE-4 reenlistment code to such individuals. In your case, the assignment of that code was also appropriate due to the civil conviction and two NJPs. Since you were treated no differently than others separated under similar circumstances, the Board could find no error or injustice in your assigned 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