



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

TRG
Docket No: 8743-00
28 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 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 26 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.

The Board found that you enlisted in the Naval Reserve on 24 July 1997 at age 17 and reported for three years of active duty on 1 October 1997. The record shows that you served in a satisfactory manner for over two years and were advanced in rate to AZ3 (E-4). In the performance evaluation for the period 19 June to 30 November 2000, you were assigned an adverse mark of 1.0 in the category of military bearing/character, a marginal mark of 2.0 in teamwork, and were not recommended for advancement or retention. The evaluation comments state, in part, as follows:

... Substandard behavior and conduct. Unsatisfactory conduct due to admitted fraternization and knowingly violating directives. Loss of confidence in willingness to meet minimal core value expectations.

...

You were released from active duty on 30 November 2000 with your service characterized as honorable. At that time you were assigned an RE-4 reenlistment code.

You state in your application that you were a 19 year old airman involved with a 38 year old chief petty officer. You believe

there was disparate treatment because the chief petty officer only received a punitive letter of reprimand and was retained in the Navy, while you were denied reenlistment and were assigned an RE-4 reenlistment code.

It was clear to the Board that you were aware of the Navy's fraternization policy but chose to disregard it. The Board notes that the only action taken against you was the adverse performance evaluation and the assignment of an RE-4 reenlistment code. The chief petty officer received nonjudicial punishment which probably means that he will retire without further promotion. The Board concluded that the final adverse performance evaluation was sufficient to support the assignment of the RE-4 reenlistment code and the commanding officer did not abuse his discretion in this matter.

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