



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

TJR  
Docket No: 2930-02  
12 September 2003



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 Naval Records, sitting in executive session, considered your application on 9 September 2003. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 26 September 1988 at age 18. You served for a year and five months without disciplinary incident, but on 15 February 1990, you received nonjudicial punishment (NJP) for failure to obey a lawful order. The punishment imposed was extra duty for 30 days, a \$810 forfeiture of pay, and reduction to paygrade E-2, which was suspended for three months.

Subsequently, you were advanced to paygrade E-3. However, in the performance evaluation for the period 1 February to 25 September 1991, you were assigned marginal marks of 3.0 in two marking categories and the overall evaluation was a marginal 3.2.

On 25 September 1991, while still serving in paygrade E-3, you were honorably released from active duty and transferred to the Naval Reserve. At that time, an RE-4 reenlistment code was assigned. On 12 September 1996, upon completion of your obligated service, you received an honorable discharge. At that time you were not recommended for reenlistment.

OPNAVINST 1160.5B states that certain professional growth criteria must be met before further extensions or reenlistment may occur. The instruction states, in part, as follows:

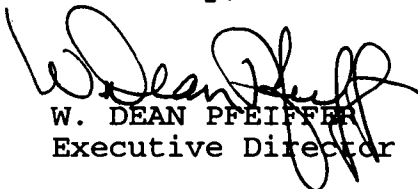
To satisfy professional growth criteria for the first reenlistment (including first enlistment in USN after serving on active duty and USNR), the member must be: (1) serving as a petty officer or, (2) serving in paygrade E-3 having passed an examination for advancement to paygrade E-4 and be currently recommended for advancement, or (3) have formerly been a petty officer in current enlistment and be currently recommended for advancement to paygrade E-4. Failure to meet the professional growth criteria may result in denial of further extensions or reenlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that since you received an honorable discharge and there is no documented reason to substantiate the assignment an RE-4 reenlistment code, you should now be assigned an RE-1 reenlistment code so that you may reenlist. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant a change in the reenlistment code because of your apparent failure to pass an examination for advancement to paygrade E-4 or be recommended for advancement. Additionally, the Board took note of the fact that you received NJP and a marginal evaluation. 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