



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

ELP
Docket No. 5214-00
6 April 2001

[REDACTED]

Dear [REDACTED]

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 for the Board for Correction of Navy Records, sitting in executive session, considered your application on 5 April 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 reenlisted in the Navy on 8 September 1989 for two years as a BMSN (E-3). At the time of your reenlistment, you had completed four years of prior active service.

You were advanced to EM3 and extended your enlistment for two months on 3 May 1990. You were honorably discharged on 7 November 1991 and assigned an RE-1 reenlistment code. Your overall traits average at the time of discharge was 3.2.

The record reflects that you enlisted in the Naval Reserve for two years on 9 July 1993 and were honorably discharged on 8 July 1995.

Your application was accepted as a request for a better reenlistment code since the Board has no authority to waive a reenlistment code. An RE-1 reenlistment code means an individual is eligible for reenlistment. The most favorable RE-R1

reenlistment code means an individual is recommended for preferred reenlistment. In order to be eligible for an RE-R1 reenlistment code, individuals serving in pay grade E-4 must have passed an E-5 advancement examination and have an overall traits average of 3.6 or above. The evidence of record indicates that you were ineligible for an RE-R1 reenlistment code. The authority to waive a reenlistment code rests with Commander, Navy Personnel Command or the branch of service for which an application for enlistment is made. This Board has no authority to waive or direct a waiver of a reenlistment code. Its purpose is to correct the record if an error or injustice exists. The fact that you have been denied reenlistment does not constitute an injustice since no one has a right to be reenlisted. 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