



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

ELP  
Docket No 7472-01  
28 February 2002

[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 of the Board for Correction of Navy Records, sitting in executive session, considered your application on 27 February 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 Navy on 9 July 1998 for four years at age 18. The record reflects that you were advanced to SA (E-2) and served without incident until 15 October 1998 when you received nonjudicial punishment (NJP) for two instances of failure to go to your appointed place of duty and failure to obey a lawful order. Punishment imposed consisted of a forfeiture of \$100 and seven days of correctional custody, both of which were suspended for six months.

On 11 December 1998 you received a second NJP for failure to obey a lawful order by having alcohol in the barracks, drinking underage, and detonation of a combustible substance in the barracks. Punishment consisted of a reduction in rate to SR (E-1), a forfeiture of \$231, and 14 days of restriction and extra duty.

On 14 December 1998 you were notified that administrative separation was being initiated by reason of entry level performance and conduct. You were advised of your procedural rights, declined to consult with legal counsel or submit a statement in your own behalf, and waived the right to have your case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of entry level performance and conduct. You were so discharged on 28 December 1998 and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals separated by reason of entry level performance and conduct. Your desire to reenlist due to recent events is commendable, however, such desire does not provide a valid basis for changing a correctly assigned reenlistment code. 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