



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

TRG  
Docket No: 7815-01  
22 March 2002

[REDACTED]

[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 19 March 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.

You enlisted in the Naval Reserve on 30 April 1991 at age 17 and reported for active duty on 9 July 1991. You then had a period of good service and were advanced in rate to BM3 (E-4).

A special court-martial convened on 23 July 1993 and convicted you of wrongful appropriation of property valued at \$280. The courts sentenced you to 20 days hard labor without confinement, 20 days restriction and a forfeiture of \$300. You were released from active duty on 24 September 1993 with your service characterized as honorable. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

You state in your application that you borrowed a bicycle, not knowing that it was stolen, and were apprehended and charged with wrongful appropriation while you were checking out prior to release from active duty. You state that you enjoyed your service in the Navy and desire a change in the reenlistment code so that you can reenlist.

The Board noted that you would have presented your version of

events at the court-martial but obviously were not found to be blameless in this matter. Regulations require the assignment of an RE-4 reenlistment code to everyone who has been convicted by a court-martial within a year of their release from active duty. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-4 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