



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

FC  
Docket No: 02513-03  
29 August 2003

[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 27 August 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.

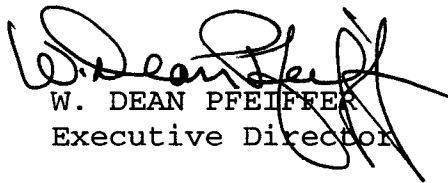
The Board found that you enlisted in the Naval Reserve on 12 December 1994, and commenced 36 months of active duty on 30 January 1995. You served without incident until 17 August 1998, when you submitted received nonjudicial punishment (NJP) for disorderly conduct, being drunk and disorderly, and being incapacitated to perform your duties. On 29 January 1998, you were released from active duty with an honorable characterization of service. At that time, you were assigned a reenlistment code of RE-3R.

Applicable regulations require the assignment of either an RE-3R or RE-4 reenlistment code when servicemembers are separated in paygrade E-3 and have not passed an examination for advancement to paygrade E-4. Your record does not show that you passed an advancement examination to paygrade E-4, and you have presented no such evidence. Further, your record does not show that you were recommended for advancement. Accordingly, the reenlistment code of RE-3R was the most favorable code that you could receive at the time of your discharge. That reenlistment code may be waived by the individual military service in accordance with the regulations of that service. Accordingly, your request 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