



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

TJR
Docket No: 6897-06
22 March 2007

[REDACTED]

[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 Naval Records, sitting in executive session, considered your application on 20 March 2007. 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 8 July 1988 at age 18 and served without disciplinary incident.

While in recruit training, during the period from 27 June to 1 August 1988, you repeatedly failed an Academic Remedial Training (ART) Program. As a result, you were recommended for an administrative separation.

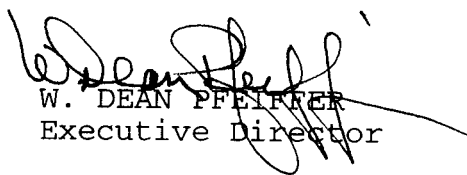
On 3 August 1988 you were notified of pending administrative separation action by reason of performance and conduct due to academic failure. At that time you waived your right to consult with legal counsel and to submit a statement in rebuttal to the discharge action. On 10 August 1988 the discharge authority directed an uncharacterized entry level separation by reason of performance and conduct, and on 16 August 1988 you were so separated from the Navy and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code because of your academic failures. Finally, an RE-4 reenlistment code is required when a Sailor is separated by reason of entry level performance and conduct. 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