



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

SMW
Docket No: 6210-07
7 February 2008



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 6 February 2008. 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.

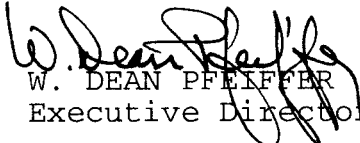
On 9 June 1994, you enlisted in the Navy at age 18. During the period 15 January to 6 December 1996, you received three favorable performance evaluations. On 15 June 1997, you received a performance evaluation in which you were assigned a rating of 2.0 in military bearing and character, due to your failure to meet the Navy's physical fitness requirement. On 9 June 1998, you were honorably released from active duty due to completion of required active service and assigned an RE-4 reenlistment code. On 12 April 1999, your request for conditional release from the Navy Reserve for enlistment in another branch of the armed forces was approved.

Regulations authorize the assignment of an RE-4 reenlistment code to members who are not recommended for reenlistment or have an average of less than 3.0 in any trait during an enlistment. The Board noted that your last performance evaluation is not currently contained in your record and your current performance evaluation trait average in military bearing and character is 2.75. Given your failure to attain a satisfactory trait average in military bearing and character, the fact that your last performance evaluation is currently not contained in the record,

and 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

Copy to:
The Honorable Bart Gordon