



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

TJR
Docket No: 6382-07
29 April 2008

[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 22 April 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.

You enlisted in the Navy on 24 December 1980 after four years of prior honorable service. You continued to served without disciplinary incident until 27 April 1985, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was restriction for 10 days, a \$100 forfeiture of pay, and a suspended reduction in paygrade.

Your record contains an enlisted performance evaluation for the period from 22 December 1983 to 8 June 1984 which states, in part, that even though you were recommended for advancement and retention, and progressed forward, you needed to show significant progress and/or improvement in correcting your deficiencies, specifically, weight physical qualifications.

Your enlisted performance evaluation for the period from 1 December 1984 to 3 May 1985, which was submitted on the occasion of your separation, states that you were not recommended for advancement or retention due to an increase in your weight physical qualifications. The reporting senior stated, in part, as follows:

Separation performance evaluation: advancement/not recommended; retention/not recommended; weight physical qualifications: 27.9 (increased from 22.4)

NOTE: nonrecommendations due to:

SUBSTANDARD PERFORMANCE: careless management caused a 5-hour delay in getting underway, poor directing habits caused him to be relieved as work center supervisor; must be continuously reminded to stand proper watch; demonstrates a high level of knowledge, but only with constant supervision and counselling; lack of respect; received NJP; supervisory faults;

'Although he has the knowledge and capability to be an asset to the Navy, his demonstrated performance has been unsatisfactory, being far below the level expected of a first class petty officer'

PHYSICAL READINESS TRAINING (PRT) FAILURE: enlistment extended with the understanding that he would meet weight standards; body fat has increased; appearance does not meet military standards; presents an unsatisfactory example; inability to conform

Shortly thereafter, on 16 May 1985, within three months of the expiration of your enlistment, you were honorably discharged and assigned an RE-4 reenlistment code.

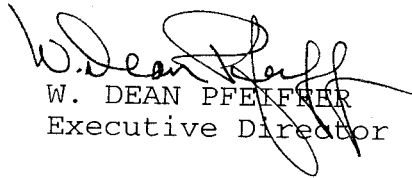
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and assertion that you were given a substandard performance evaluation, which also ended your career, because of personal conflicts with your division officer. It also considered your assertion that you believe the reenlistment code and narrative reason for separation and/or separation code are detrimental. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the RE-4 reenlistment code or narrative reason for separation because of your nonrecommendation for advancement and retention, substandard performance, misconduct which resulted in NJP, and PRT failure.

Further, an RE-4 reenlistment code is authorized when a Sailor is separated within three months of the expiration of enlistment and is not recommended for retention or reenlistment. 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