



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

TJR  
Docket No: 8110-07  
8 October 2008

[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 7 October 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 30 August 2000 at age 19 and began a period of active duty on 29 June 2001. You served without disciplinary incident until 12 May 2004, when you received nonjudicial punishment (NJP) for missing the movement of your ship, making a false official statement, and a 22 day period of unauthorized absence (UA). The punishment imposed was a reduction to paygrade E-2 and restriction and extra duty for 45 days.

On 28 June 2005, while serving in paygrade E-2, you were honorably released from active duty and transferred to the Navy Reserve. At that time you were not recommended for retention or reenlistment, and were assigned an RE-4 reenlistment code. On 29 August 2008, upon completion of your obligated service, you were presumably issued an honorable discharge certificate.

OPNAVINST 1160.5 (series) notes that the professional growth criteria must be met before further extensions or reenlistment may occur. The instruction notes, in part, as follows:

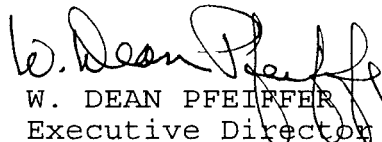
To satisfy professional growth criteria for the first reenlistment (including first enlistment in USN after serving on active duty as USNR), the member must be: (1) serving as a petty officer or, (2) serving in paygrade E-3 having passed an examination for advancement to paygrade E-4 and be currently recommended for advancement, or (3) have formerly been a petty officer in current enlistment and be currently recommended for advancement to paygrade E-4. Failure to meet the professional growth criteria may result in denial of further extensions or reenlistment.

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. It also considered your assertion that you were misinformed regarding the assignment of the RE-4 reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your disciplinary record which resulted in NJP, failure of professional growth criteria, and nonrecommendation 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