



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

SJN
Docket No: 01295-09
11 December 2009

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of 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 8 December 2009. 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 and began a period of active duty on 4 January 1966. You served for over three years and were advanced to paygrade E-4. Based on the information currently contained in your record, on 16 April 1969, you declined advancement to paygrade E-5 and did not desire to obligate for required active service. On 20 September 1969, the record states that that you did not intend to reenlist. Your executive officer stated that due to your marginal performance and demonstrated dislike of military life while onboard ship, you were not being recommended for reenlistment. On 21 November 1969, you were honorably released from active duty due to reduction in authorized strength. At that time you were assigned an RE-4 reenlistment code. You were honorably discharged on 3 January 1972 upon completion of your military obligation.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your entire period of service and the reason you were not recommended for reenlistment. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code. In this regard, an RE-4 reenlistment code is authorized when a Sailor is separated at the expiration of his term of active obligated

service and is not recommended for retention. The Board thus concluded that there is no error or injustice in your 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