



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

TAL
Docket No: 5298-10
3 February 2011

[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 2 February 2011. The names and votes of the members of the panel will be furnished upon request. 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.

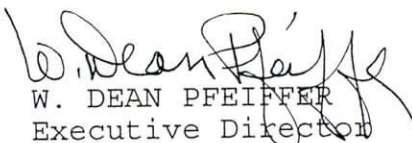
You enlisted in the Navy and began a period of active duty on 4 June 2003 at age 19. You received nonjudicial punishment (NJP) on two occasions for disrespect toward a superior commissioned officer, failure to obey a lawful order, and adultery. On 15 July 2007, you signed an evaluation report for the period of 16 January through 15 July 2007 which indicated that you were not recommended for retention. On 3 September 2007, while you were serving in paygrade E-2, you were honorably released from active duty. You were not recommended for retention or reenlistment and were assigned an RE-4 reenlistment code. A Sailor must be serving in paygrade E-3 and be recommended for promotion to E-4 to be eligible for reenlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your misconduct paygrade of E-2 and the nonrecommendation for retention which was

sufficient to support the assignment of an RE-4 reenlistment code and was authorized by regulatory guidance. 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