



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

REC
Docket No: 06559-10
23 March 2011

[REDACTED]

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 23 March 2011. 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 20 April 1992, at age 20. On 30 January 1997, you received nonjudicial punishment (NJP) for fraud against the government, and making a false official statement. On 26 May 1998, you received NJP for being in an unauthorized absence (UA) status for five days. You were counseled and informed that you would receive a reentry code of RE-4 upon your separation as you were not recommended for retention. On 12 November 1999, you were discharged from active duty with an honorable characterization of service while serving in pay grade E-4 and not recommended for reenlistment due to substandard behavior. At that time, you were assigned an RE-4 reentry code.

The Board, in its review of your 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 the reentry code, given your record of two NJP's, and the fact that you were not recommended for retention. In this regard, an RE-4 reentry code is required when an individual is discharged at the expiration of his term of active obligated service and is not recommended for retention. 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