



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

TAL
Docket No: 2426-11
29 November 2011

[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 22 November 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 Reserve and began a period of active duty on 16 September 1992 at age 18. On 5 August 1994, you received nonjudicial punishment for disobeying a lawful regulation by drinking alcohol under the age of 21. The punishment imposed was a forfeiture of pay, extra duties and reduction in paygrade to E-2. On 15 September 1994, while you were serving in paygrade E-2, you were honorably released from active duty, transferred to the inactive Navy Reserve and assigned a reentry code of RE-4.

Individuals separated at the expiration of their obligated service: Naval Operations Instruction (OPNAVINST) 1160.5C notes that professional growth criteria must be met before a Sailor may reenlist. The instruction states, in part, as follows:

...To satisfy professional growth criteria for the first reenlistment...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 application, carefully weighed all potentially mitigating factors, such as your period of satisfactory service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reentry code. In this regard, an RE-4 reentry code is required when an individual is separated at the completion of his term of active service, is not recommended for retention, and has failed to meet professional growth criteria. 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