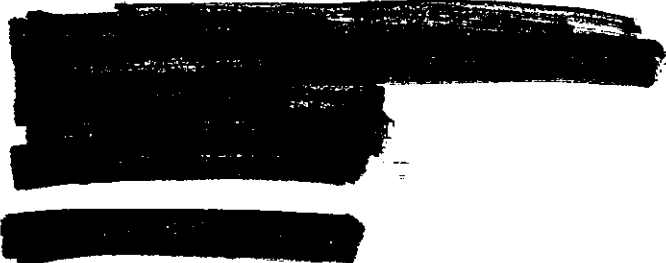




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 02540-13
2 April 2014



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 1 April 2014. 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 21 March 1991. The Board found that based on the information currently contained in your record, you received nonjudicial punishment (NJP) for dereliction of duty and making a false official statement. You remained on active duty and were released honorably on 20 March 1995 while serving in paygrade E-3 and transferred to the Navy Reserve. At that time it appears you were not recommended for reenlistment and assigned an RE-4 reentry code.

Navy directives state that professional growth criteria must be met before an individual 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

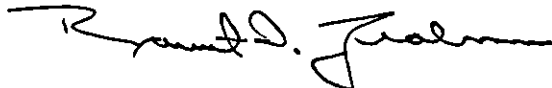
recommended for advancement to paygrade E-4. Failure to meet the professional growth criteria may result in denial of further extensions or reenlistment...

An individual separated in paygrade E-3 who fails to meet the above criteria may receive an RE-3R reenlistment code if he/she is recommended for advancement to paygrade E-4 at the time of separation. If not, the individual must be assigned a RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service and desire to change your RE-4 reentry code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reentry code given your NJP, and the fact that you received a reentry code authorized by regulations. Finally, an RE-4 reentry code is authorized to be assigned to Sailors when they are released from active duty and 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,



ROBERT D. ZSALMAN
Acting Executive Director