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

TRG
Docket No: 6170-98
20 August 1999

[redacted]

Dear [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 17 August 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 2 June 1987 for two years. Subsequently, you extended that enlistment for nine months for assignment to an "A" school. At the time of your reenlistment you had completed almost four years of active service on a previous enlistment. The record shows that on 23 September 1988 your rating was changed to CTO3.

On 23 September 1988 you signed an Administrative Remarks (page 13) entry in which you agreed to extend your enlistment in the future in order to complete a three year tour at your next duty station. The page 13 was required because you could not extend or reenlist on 23 September 1988 because of a possible adverse impact on the amount of a reenlistment bonus you could receive, in the future. You acknowledged that if you did not reenlist or extend as required, you would not be recommended for reenlistment and assigned an RE-4 reenlistment code.

You reported to your next duty station on 19 November 1988. Subsequently you declined to reenlist or extend your enlistment. You were honorably discharged on 1 March 1990 at the expiration of your enlistment as extended and were assigned an RE-4 reenlistment code. At that time you acknowledged that you were

not recommended for reenlistment because of your failure to obligate for additional service.

In your application you state that you thought the page 13 entry meant that you would negotiate extending your enlistment. You also state that you elected to be discharged because you thought you were going to be married.

In reaching its decision the Board noted that the page 13 entry clearly states that your enlistment or extension was required. The Board concluded that your failure to comply with the agreement was sufficient to support the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Any adverse reenlistment code may be waived and reenlistment authorized in the appropriate circumstances. However, whether a waiver is granted is a matter solely within the discretion of recruiting authorities.

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