



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

JRE
Docket No: 2953-99
23 August 1999

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 19 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 were discharged from the Navy by reason of physical disability on 21 October 1991. You were assigned a reenlistment code of RE-4. On 13 July 1995, the Department of Veterans Affairs awarded you 0% ratings for depression and a low back condition, and denied your request for a 10% rating for "multiple, noncompensable, service connected disabilities".

The Board was not persuaded that you were fit for duty on 21 October 1991, or that you should have been assigned a more favorable reenlistment code. It noted that your commanding officer had a choice between reenlistment codes RE-3P and RE-4, and apparently chose the latter because you had received nonjudicial punishment during your enlistment. In addition, you had only attained grade E-4 despite having completed approximately eight and one-half years of naval service. In the absence of evidence which demonstrates that your discharge and reenlistment code are erroneous or unjust, the Board was unable to recommend any corrective action in your case. 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