



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 4461-98

19 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 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 enlisted in the Marine Corps on 11 September 1990 at age 17. On 18 December 1991 you began a period of unauthorized absence which lasted until you surrendered on 11 February 1973, a period of about 724 days.

Your military record shows that you submitted a written request for discharge under than honorable conditions in order to avoid trial by court-martial for the foregoing period of unauthorized absence. Your record also shows that prior to submitting this request you conferred with a qualified military lawyer at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. The Board found that your request was granted on 25 March 1973 and, as a result of this action, you were spared the stigma of a court-martial conviction and the potential penalties of a punitive discharge and confinement at hard labor. You were discharged on 1 April 1973. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged in lieu of trial by court-martial. Given the lengthy period of unauthorized absence and

your request for discharge to avoid trial by court-martial, the Board concluded that the RE-4 reenlistment code was properly assigned and no change is warranted.

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

In your application you only request a change in your reenlistment code and this was the only issue considered by the Board. You can request recharacterization of your discharge by completing the enclosed DD Form 293 and submitting it to the Naval Discharge Review Board.

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

Enclosure