



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

TJR
Docket No: 2348-02
4 October 2002

[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 1 October 2002. 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 reenlisted in the Marine Corps on 6 November 1999 after three years of prior honorable service and served without disciplinary incident.

Your record contains three administrative remarks entries during the period from 9 November 1998 to 15 June 1999, in which you were counselled and not recommended for promotion due to your failure to meet Marine Corps height, weight, and body fat standards, and weight control failure.

On 2 October 2000 you were notified that you were not recommended for reenlistment because of your weight control failure, and that you would be assigned an RE-4 reenlistment code.

On 5 January 2001, at the completion of your required active service, you were honorably discharged and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that you were unaware that the RE-4 reenlistment code prohibited your reenlistment in the Army. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant a change in the reenlistment code. The Board further concluded that the RE-4 reenlistment code was appropriately assigned and that such a code is mandatory when an individual is separated at the completion of his required active service but is not recommended for reenlistment. Further, the record clearly shows your persistent failure to meet Marine Corps weight standards. Finally, there is no evidence in the record, and you submitted none, to support your contention. 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