



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

JRE
Docket No: 6419-02
9 October 2002



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 12 September 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board concluded that you were properly discharged by reason of physical disability on 30 June 1996. You were assigned a reenlistment code of RE-3P, as required by governing directives, in order to alert recruiting officials to the fact that you are ineligible for reenlistment unless you obtain a waiver of physical disqualification. Changing that code would not alter the underlying basis for your discharge from the Marine Corps, which is disqualifying, nor would it make you eligible for reenlistment without first obtaining a waiver of the basis for your separation. As you are no longer in the Marine Corps, there is no basis for referring your case to the Physical Evaluation Board for a determination of your current fitness for military duty.

As you have not demonstrated that your reenlistment code is 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