



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

CRS
Docket No: 7716-06
6 February 2008

[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 6 February 2008. 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. In addition, the Board considered advisory opinions furnished by the Bureau of Medicine and Surgery dated 23 January 2007, and Headquarters Marine Corps dated 15 March 2007, copies of which are attached, and your rebuttal thereto.

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. In this connection the Board substantially concurred with the comments contained in the advisory opinions. Although there are several minor errors in the advisory opinions, the Board found them to be insignificant. It concluded that you were properly discharged at the expiration of your obligated service because of your failure to meet applicable reenlistment criteria. You were not discharged for cause. The Board also concluded that as service members do not have a right to reenlist, there is no basis for granting your request for reinstatement to active duty.

The phrase "bar to reenlistment" is a term of art used by officials of the Department of the Army, and is not applicable to your case. The Board presumed, however, that you wanted it to assign you a more favorable reentry code than RE-4. It noted that you received that code because the Commandant of the Marine Corps (CMC) determined that you would not be permitted to reenlist. As you have not demonstrated that the denial of your request for reenlistment is erroneous or unjust, the Board did not recommend that your reentry code be changed to a more favorable one.

In view of the foregoing, 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

Enclosure