



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

TRG
Docket No: 8484-07
20 August 2008

[REDACTED]

[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 12 August 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.

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.

You enlisted in the Marine Corps Reserve on 22 April 1996 at age 23. Subsequently, you completed initial training and otherwise performed in a satisfactory manner for about a year. During 1997 you missed 16 drills and a two week annual training period.

On 31 December 1997 you were notified of separation processing by reason of unsatisfactory participation in the Marine Corps Reserve. At that time, you elected to waive your right to contest the separation processing. After review, the separation authority directed discharge under other than honorable conditions and you were so discharged on 27 April 1998. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and the documentation you submitted which shows that on 13 September 2004 you received an honorable discharge from the Army National Guard. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your deliberate decision not to complete the requirements of your contract with the Marine Corps Reserve. The Board concluded that the discharge was proper as issued and no change is warranted.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged under other than honorable conditions and when the reason for discharge is unsatisfactory drill attendance. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

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

You may still be eligible to submit an application to the Naval Discharge Review Board. If you desire such a review, you should complete the enclosed application, DD Form 293, and send it to the indicated address.

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