



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

TRG  
Docket No: 9014-07  
29 October 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 28 October 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 on 13 October 1998 at age 18. On 6 April 2000 you received nonjudicial punishment for two instances of failure to go to your appointed place of duty. In July 2000 you were convicted by a summary court-martial of an unauthorized absence of about 37 days. The sentence of the court included restriction, forfeiture of pay and a reduction to paygrade E-1. In addition you were counseled concerning a two day period of unauthorized absence and not being recommended for promotion. You were released from active duty on 18 November 2002 with your service characterized as being under honorable conditions. This means that you should have been issued a general discharge at the end of your military obligation, however, you were erroneously issued an honorable discharge certificate. At the time of your release from active duty you were assigned an RE-4 reenlistment code which means that you were not recommended for reenlistment.

Characterization of service is based, in part, on conduct and proficiency averages which are based on marks assigned during periodic evaluations. Your conduct mark average was 3.0 and a 4.0 average is required for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention in effect that you were improperly evaluated and your average mark in conduct should have been higher. The Board found that these factors and contention were not sufficient to warrant recharacterization of your service on release from active duty given your disciplinary record and failure to achieve the required average mark in conduct. The Board concluded that the characterization of service on release from active duty was proper and no change is warranted. The Board also concluded that the same factors which resulted in your separation under honorable conditions were sufficient to support the assignment of an 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.

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