



DEPARTMENT OF THE NAVY

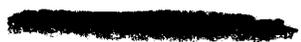
BOARD FOR CORRECTION OF NAVAL RECORDS JRE

2 NAVY ANNEX

WASHINGTON DC 20370-5100

Docket No. 01089-08

11 December 2008



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.

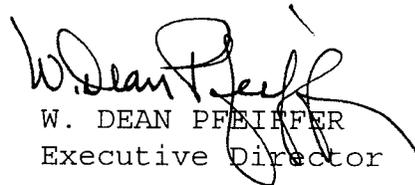
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 December 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 the advisory opinion furnished by Commandant of the Marine Corps dated 26 March 2008, and the Director, Secretary of the Navy Council of Review Boards (SECNAVCORB) dated 12 June 2008, and the responses to those opinions that were submitted by your attorney.

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 opinion provided by the Director, SECNAVCORB. The Board agreed with your counsel that reason for your separation was not weight control failure; however, it found that you were denied the opportunity to reenlist because you failed to meet Marine Corps weight standards. You were assigned a reentry code of RE-3P, to indicate that you were recommended for reenlistment by your commanding officer upon removal of that disqualifying factor.

Although the Board was very sympathetic toward you, and regretted that you were not permitted to continue your career in the Marine Corps, it was not persuaded that you were unfit by reason of physical disability on 31 August 2006, or that your release from active duty and discharge were erroneous or unjust. 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