



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

SMW
Docket No: 3387-08
10 July 2008

[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 9 July 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 Headquarters Marine Corps, a copy of which is attached.

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 regard, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board noted that you were honorably discharged from the Marine Corps Reserve on 25 October 2006, due to an interdepartmental transfer. The Board further noted that although the Marine Corps may not consider waiving the RE-4 reenlistment code, other branches of the armed forces, such as the Army National Guard, may consider such a waiver.

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



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VA 22134-5103

IN REPLY REFER TO:
1040
MMER/RE
30 Apr 08

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NVAL RECORDS

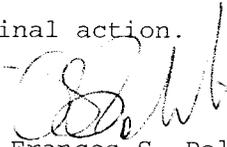
Subj: BCNR APPLICATION IN THE CASE OF FORMER [REDACTED]

[REDACTED] SUBJ: RE-CODE

Encl: (1) NavMC 118 (11)
(2) NavMC 118 (12)
(3) NavMC 10132

[REDACTED] DD Form 149 of 2 March 2008

1. [REDACTED]'s service record has been reviewed and it has been determined that at the time of separation he was assigned a reenlistment code of RE-4, which means that he is not recommended for reenlistment. The reenlistment code was correctly assigned and was based on his overall record.
2. [REDACTED] was honorably discharged from the U.S. Marine Corps on 13 February 2005. A review of [REDACTED]'s service records indicates that he was counseled concerning his unauthorized absence; inappropriate conduct towards fellow Marine, not recommended for promotion to Lance Corporal. The disciplinary portion showed that [REDACTED] received two non-judicial punishments for violating article 86 of the Uniform Code of Military Justice.
3. After a review of all relevant information, this Headquarters concurs in the professional evaluation of [REDACTED] qualifications for reenlistment at the time of separation. Once a code is correctly assigned it is not routinely changed or upgraded as a result of events that occur after separation or based on merely on the passage of time.
4. Enclosure (4) is returned for final action.


Frances S. Poletto
Head, Performance Evaluation
Review Branch
Personnel Management Division
By the direction of the Commandant
Of the Marine Corps