



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

RDZ:ecb  
Docket No. 04202-08  
27 June 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 25 June 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary evidence 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, from Headquarters, Marine Corps dated 17 January 2008, a copy of which is attached.

After careful and conscientious consideration of the entire record, and notwithstanding the advisory opinion, 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.

The Board did consider whether or not your discharge should be upgraded because you must first apply to the Navy Discharge Review Board (NDRB). Enclosed is a DD Form 293 that is to be used to get NDRB to review your discharge. In the event NDRB

denies your application you would then be eligible to apply to this Board.

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

Enclosure



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

1040 REFER TO:  
MMER/RE  
JAN 17 2008

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

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]  
[REDACTED] SUBJ: RECODE

Encl: (1) NAVMC 118(11)  
(2) NAVMC 118(11) of 16 Jul 04  
(3) NAVMC 10132 of 28 Apr 04  
(4) NAVMC 118(13) of 26 Jul 04  
(5) [REDACTED] DD Form 149 of 29 Sep 07

1. [REDACTED] 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 was not recommended for reenlistment. The reenlistment code was correctly assigned and was based on his overall record.
2. [REDACTED] was discharged Under Other Than Honorable Conditions on September 20, 2004 by reason of misconduct. A review of his service record indicates that he was counseled concerning scholastic deficiencies, not being recommended for promotion, making a racial slur and a positive urinalysis. The disciplinary portion of his record shows he received one Summary Court-Martial and one nonjudicial punishment under the Uniform Code of Military Justice for offenses that included unauthorized absence, failure to obey an order or regulation, making a false statement, being disrespectful in language and deportment towards a staff noncommissioned officer and wrongful use of THC. Enclosures (1) through (4) pertain.
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 merely on the passage of time.
4. Enclosure (5) is returned for final action.

  
FRANCES S. POLETO  
Head, Performance Evaluation  
Review Branch  
Personnel Management Division  
By direction of the Commandant  
of the Marine Corps



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A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 June 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary evidence 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 a letter, from Headquarters, Marine Corps to United States Senator John McCain dated 18 July 2006, 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 connection, the Board substantially concurred with the comments contained in the letter to Senator McCain.

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,

  
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