



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

REC  
Docket No: 00243-09  
29 October 2009

[REDACTED]

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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 23 September 2009. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and were to begin a period of active duty on 16 April 2006, at age 21. You were to report for training on 9 April 2006. However, you failed to report and were placed in an unauthorized absence (UA) status, which continued until 6 November 2006, when you were apprehended. On 21 December 2006, you were convicted by summary court-martial (SCM) for UA. You were counseled and warned that further misconduct could result in administrative discharge action. While UA, you violated articles 112a of the Uniform Code of Military Justice Manual (UCMJ), voluntary admission of wrongful use of marijuana and methamphetamine, and article 92, by failing to adhere to the current tattoo policy.

On 30 May 2007, administrative separation action was initiated by reason of misconduct due to a pattern of misconduct and drug use. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct. The discharge authority directed an other than

honorable discharge by reason of misconduct. On 19 July 2007, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reenlistment code or characterization of your discharge, given your record of one SCM and other misconduct. In this regard, an RE-4 reenlistment code is required when an individual is discharged prior to the expiration of his term of active obligated service and is not recommended for retention. The Board also noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. 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