



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

BJG
Docket No: 1537-09
10 June 2009

[REDACTED]

Dear [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 10 June 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. In addition, the Board considered the advisory opinion from Headquarters Marine Corps, dated 13 February 2009 minus enclosures, 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 advisory opinion and the memorandum for the record. 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 PFIEFFER
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
13 Feb 09

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

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED] SUBJ: RE-CODE

Encl: (1) NavMC 118 (11)
(2) NavMC 118 (12)
(3) NavMC 10132 (UPB)
(4) Cmdr, Recruit Depot East's ltr 5800 SJA/MJO of 11 Jun 04
(5) NavMC 10835A (DC, 20040414-20040628)
(6) DD Form 214
(7) [REDACTED] DD Form 149 of 12 Dec 08

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 discharged under other than honorable conditions from the U.S. Marine Corps on June 28, 2004. A review of [REDACTED]'s service records indicates that he was administratively separated in Lieu of Trial by Court-Martial. [REDACTED] was counseled concerning the following deficiencies: failure to meet daily telephone call objectives resulting in below average appointment volume, failure to accomplish a simple task such as checking in with his NCOIC when required behavior not tolerated from an NCO, lack of control of emotions while being counseled leaves doubt to his ability in correcting his deficiencies. Moreover, [REDACTED] fitness report was adverse due to his refusal in carrying out his duties resulting in separation in lieu of trial by Court-Martial, and failing the semi-annual physical fitness test. The disciplinary portion of his record shows that he received one Non-Judicial Punishment for violating Article 86 (unauthorized absence) 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 (7) is returned for final action.

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