



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

SMS
Docket No: 1686-09
23 April 2009



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 22 April 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

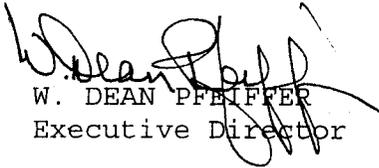
On 18 September 1981, you reenlisted in the Marine Corps at age 24 after two prior periods of honorable service and after having been removed from the weight control program. On 21 November 1981, you were assigned back onto the weight control program. On 13 May 1982, you were recommended for administrative separation by reason of unsuitability due to your failure to comply with weight standards. On 26 May 1982, your commanding officer initiated administrative separation by reason of unsuitability because of your failure to meet weight standards, specifically, apathy, defective attitude or inability to expend effort constructively. In connection with this processing, you acknowledged that separation would be determined as warranted by your service record. On 9 August 1982, the separation authority approved the recommendation, and directed an honorable discharge by reason of unsuitability due to apathy, defective attitude or inability to expend effort constructively. On 30 August 1982, you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your periods of honorable service. The Board also considered your contention that the reason for separation and reenlistment code are too harsh and

contradict your honorable characterization of service. Nevertheless, the Board concluded that these factors and contention were not sufficient to warrant changing the reason for separation or reenlistment code. In this regard, your reason for discharge met the requirements established by regulations in effect at that time. Furthermore, regarding the reenlistment code, the Board substantially concurred with the comments contained in the memorandum furnished by Headquarters Marine Corps, a copy of which is attached. Therefore, the Board concluded that the reason for discharge and RE-4 reenlistment code were proper as issued and no change is warranted. 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