



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

Docket No. 03604-10
11 February 2011

[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 3 February 2011. 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.

You entered active duty for training in the Marine Corps Reserve on 8 June 2004. Shortly thereafter, you disclosed that you would not be able to complete the period of training for which you had contracted without jeopardizing your entitlement to a college scholarship. You requested that you be released from active duty prior to the completion of your training. On 11 August 2004, you were counseled that you were not recommended for reenlistment, and that you had been assigned a reentry code of RE-3P. On 12 August 2004, the separation authority directed that you be discharged by reason of early release to attend college and left groin pain that had interfered with your performance of duty. You received an uncharacterized entry level separation on 16 August 2004, and were assigned a reentry code of RE-3P, which indicates that you require

a waiver of a physical condition in order to become eligible to reenlist.

The Board was not persuaded that it would be in the interest of justice to correct your record to show that you received a reentry code that would not require you to obtain a waiver in order to become eligible for reenlistment. It concluded that a code of RE-3P is arguably proper, given your history of groin pain that had interfered with your performance of duty, and the most favorable code you could have received. In this regard, the Board noted that given the circumstances of your enlistment and the fact that you were not recommended for reenlistment, a code of RE-4 or 3C would have been appropriate had the RE-3P not been assigned. Neither of those codes would permit you to reenlist without first obtaining a waiver from Headquarter, U.S. Marine Corps. It does not appear that any other reentry code would be appropriate in your case.

In view of the foregoing, 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