



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

JRE
Docket No. 06985-10
29 April 2011



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 28 April 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. In addition, the Board considered the enclosed advisory opinion furnished by direction of the Commandant of the Marine Corps.

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 served on active duty in the Marine Corps from 19 August to 29 October 2002, when you were discharged for the convenience of the government by reason of a condition not a disability, with an uncharacterized entry level separation (ELS). You reenlisted in the Marine Corps on 19 October 2004, and served until 16 November 2004, when you were once again discharged for the convenience of the government with an uncharacterized ELS.

The available records do not demonstrate that you were unfit for duty by reason of physical disability that was incurred in or aggravated

by either of your brief periods of service in the Marine Corps. Those records do show, however, that you had experienced back pain since sustaining an injury several years prior to reenlisting. You were not entitled to a characterized separation because you did not complete a total of more than 180 days of active service. In addition, as you had lengthy a break in service between your two enlistments, you would have been in an entry level status during your second enlistment even if you had completed more than 180 days or more of active service during your first enlistment.

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. The Board did not consider your requests for administrative correction of your DD Form 214 as you have not exhausted an available administrative remedy in that submitting those requests to the Commandant of the Marine Corps.

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