



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

SJN  
Docket No: 10380-12  
3 December 2012



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 29 November 2012. 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.

On 11 August 1990, you reenlisted in the Marine Corps after serving over seven years of honorable service. The Board found that you were convicted by two summary courts-martial (SCM) of assault, disobedience, disrespect, and two specifications of communicating a threat. Additionally, you were convicted by civil authorities of making communications in an annoying/alarming manner. Subsequently, administrative discharge action was initiated to separate you by reason of misconduct due to commission of a serious offense. You waived your procedural ring to an administrative discharge board (ADB). Your commanding officer forwarded your case recommending separation. On 5 July 2001, you received an other than honorable discharge. At that time, you were assigned an RE-4 reentry code and not recommended for reenlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reentry code given your two SCM's for serious offenses and conviction by civil

authorities. The Board noted that you waived your right to an ADB, your best chance for retention or a better characterization of service. Finally, an RE-4 reentry code must be assigned to all Sailors discharged due to misconduct. 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,



BRIAN J. GEORGE  
Head, Discharge Section