



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

SJN
Docket No: 8395-14
24 July 2015

5 U.S.C. 552(b) (6)

Dear 5 U.S.C. 552(b) (6)

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 20 July 2015. The names and votes of the members of the panel will be furnished upon request. 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.

You enlisted in the Marine Corps and began a period of active duty on 6 September 2005. Your record is incomplete, in that it does not reflect the reason you were assigned and RE-4 (not recommended for reenlistment) reentry code. However, the Board found that during the period from 27 July 2006 to 2 August 2010, you received two nonjudicial punishments (NJPs) for disobedience and making a false official statement. Additionally, you were counseled on more than one occasion that further misconduct could result in administrative discharge action. The record shows that you remained on active duty until you were honorably discharged at the completion of your required service on 17 November 2012. At that time, based on your Certificate of Release or Discharge from Active Duty (DD Form 214), it appears you were not recommended for reenlistment, and were assigned an RE-4 reentry code. Further, your DD Form 214 reflects you were not transferred to the Marine Corps Reserve.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as desire to change your RE-4 reentry code. Nevertheless, the Board concluded these factors were not sufficient to warrant such a change of your reentry code given the seriousness of your misconduct during your service, which resulted in your two NJP's, and the fact that you were counseled on more than one occasion regarding your conduct. In this regard, based on your DD Form 214, an RE-4 reentry code is required when a Marine is discharged at completion of his active duty service and is not recommended for retention. Accordingly, your application has been denied.

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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

5 U.S.C. 552(b) (6)

ROBERT J. O'NEILL
Executive Director