



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

BC
Docket No: 00324-14
10 March 2014

[REDACTED]

Dear [REDACTED]

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 26 February 2014. 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.

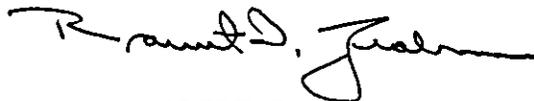
You enlisted in the Marine Corps and began a period of active duty on 28 May 2003. Between 1 June and 14 September 2010, you were charged with and found guilty of simple battery by the San Diego Superior Court. On 3 November 2010, you received counseling concerning your civil conviction. On 21 March 2011, you requested to reenlist and were denied by Marine Corps Headquarters due to your failure to demonstrate high standards of leadership, professional competence and assumption of responsibilities. You signed and acknowledged an administrative remarks page (NAMVC 118(11)) that you would be assigned an RE-4 reentry code upon your separation. You were separated on 1 April 2011, with an honorable discharge and assigned an RE-4.

The Board did not accept your unsubstantiated contention to the effect that you were wrongfully accused of simple battery and that you pleaded guilty of that offense on the advice of civilian counsel, who led you to believe that the charges "would not reach" your military record.

In view of the foregoing, and as you have not demonstrated it would be in the interest of justice for the Board to assign you a more favorable reentry code, 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,



ROBERT D. ZSALMAN
Acting Executive Director