



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

BJG
Docket No: 1301-14
17 July 2014

[REDACTED]

[REDACTED]

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 15 July 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and entered active duty on 30 January 1995. During your last enlistment, you were convicted by a special court-martial (SPCM) of disrespect and assault of a commissioned officer. You also received an adverse fitness report for not meeting weight standards. You were not allowed to reenlist, and on 4 December 2012, you were involuntarily discharged with an honorable characterization of service, and assigned an RE-4 (not recommended for retention) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your prior honorable service, and current desire to change your reentry code so you can reenlist. However, the Board concluded that you were correctly assigned the RE-4 reentry code due to your SPCM conviction, weight issue, and non-recommendation for retention. The Board was also unwilling to grant you additional service to allow you to enter the 18 year sanctuary zone. The Board believed that you were fortunate to receive an honorable discharge, since Marines who have committed misconduct normally receive other than honorable characterizations of service. You are further advised that no reentry code is changed due merely to the passage of time or post service good conduct. In view of the above, 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

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