



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

BJG

Docket No: 2391-14

10 June 2014

[REDACTED]

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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 10 June 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.

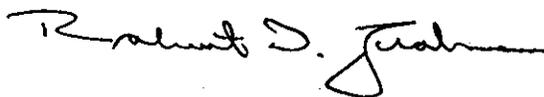
You enlisted in the Marine Corps and entered active duty on 22 July 1996. You received two adverse fitness reports and failed the physical fitness test (PFT). On 21 June 2009, you were honorably discharged as a sergeant (pay grade E-5) due to non-retention on active duty, and assigned a waivable RE-3P reentry code.

You are advised that the service limitation for a sergeant when you were on active duty was 13 years. You had 12 years and 11 months of active duty service.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and counsel's request for reinstatement or an upgrade of your reentry code. However, the Board found no basis to reinstate you or change your reentry code based on your adverse fitness reports, failure of the PFT, service limitation for a sergeant, and non-recommendation for retention. You are advised that a reentry code may not be routinely 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

Copy to:
John A. Wickham, Esq.