



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

TAL  
Docket No: 6535-14  
9 July 2015

[REDACTED]

Dear [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. The application was filed in a timely manner.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 June 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 22 September 2008. You served for 11 months without disciplinary incident, but during the period of 13 August 2009 to 5 November 2009, you received nonjudicial punishment (NJP) and were convicted by summary court-martial (SCM). Your offenses were underage drinking, driving under the influence of alcohol, breaking restriction and failure to obey a lawful regulation. During the period of 13 June 2012 to 27 July 2012, you were issued written counseling for driving under the influence of alcohol, failure to go to your appointed place of duty and for below average proficiency and conduct marks due to a pattern of misconduct. On 21 September 2012, you were honorably discharged from active duty at completion of required service and assigned an RE-3C reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code. Furthermore, the RE-3C code may not prohibit reenlistment, but requires a waiver be obtained from recruiting personnel who are responsible for determining whether you meet the requirements for reenlistment. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL  
Executive Director