



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

[REDACTED]  
Docket No: 7247-16

NOV 01 2017

[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 Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 August 2017. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

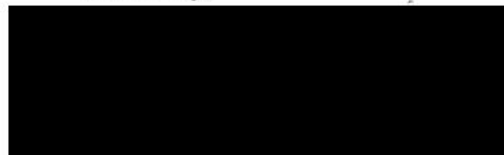
You began a period of active duty in the Marine Corps on 16 May 2007. You served six months without disciplinary incident. On 13 December 2007, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from 3 to 11 December 2007. Your service record indicates a counseling entry on 15 January 2008 that noted that during your period of UA, it was revealed that you had a pre-existing personality disorder prior to your enlistment in the Marine Corps. On 25 February 2008, you received a second NJP for a period of UA of about nine hours, which was terminated by apprehension. On 6 February 2008, Commander, Training Command recommended administrative separation with a general characterization of service. You were discharged from the Marine Corps on 9 March 2008, with a general discharge, a narrative reason of "Fraudulent Enlistment," and a reentry code of RE-4.

The Board considered that you would like to change your RE-4 code to an RE code with which you can reenlistment. When making its determination, the Board noted that you assert that the recruiter lied which led to your discharge from the Marine Corps and that to the best of your knowledge, you were truthful.

After careful and conscientious consideration of the entire record, The Board found the evidence submitted was insufficient to establish the existence of probable material or injustice. The Board carefully weighed all potentially mitigating factors, such as your desire to pursue a career in the Marine Corps. The Board found that these factors were not sufficient to warrant a change to your RE-4. The Board noted that your Commanding Officer had the discretion to recommend a discharge based on a medically disqualifying condition or an erroneous vice fraudulent entry, and that he could have recommended a waivable RE code instead of the RE-4. Nonetheless, your Commanding Officer determined that you enlisted under fraudulent circumstances and that an RE-4 was appropriate; the separation authority concurred with the recommendation. The Board reviewed your contentions as well as the separation proceedings and determined that you failed to provide sufficient evidence to support the assertion that recruiter misconduct contributed to your discharge and subsequent receipt of an RE-4. The Board found that your two periods of UA combined with the prior undisclosed medical condition warranted the discharge on the basis of Fraudulent Enlistment and supported the issuance of the RE-4. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director