



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

[REDACTED]
Docket No: 8129-16
DEC 11 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.

Although your application was not filed in a timely manner, 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 October 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.

Your available naval record indicates that you enlisted in the Marine Corps Reserves on 9 May 2011, for a period of eight years, with six years in the Reserve Component. You participated in a period of active duty service from 16 May 2011 through 22 October 2011, and received a Certificate of Release or Discharge From Active Duty (DD Form 214) for the five months and seven days of active duty. You were not assigned a reentry (RE) code for the period of service. Your record indicates you continued serving in the Marine Corps, earning a satisfactory year of participation as recently as 2013. Your available record does not reflect the issuance of a reentry (RE) code that would preclude reenlistment.

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 considered your request for a change to your RE code and noted that you state that your RE code is erroneous because it is the type assigned for individuals who have enlisted erroneously into the military. Furthermore, you contend that since you received an honorable discharge and you have no record of nonjudicial punishment for your service, your RE code should be changed. You also state that you did not fail to disclose your medical history to the military. When making its

determination, the Board noted that your available service record does not contain information that reflects the issuance of an RE code. Additionally, your record does not contain discharge documentation associated with your reserve duty and the DD Form 214 you received for your active duty service discharge does not reflect an RE code.

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. In the absence of information about the assignment of a RE-code, the Board determined it was unable to direct corrective action. Please note that under SECNAVINST 5420.193, the Board is not an investigative body. Since available service record does not indicate a service-precluding RE-code, the Board found it had insufficient information on which to make a decision and declined relief. Accordingly, your application has been denied.

The Board noted that you may submit a reconsideration of this denial. The Board stated that it would consider additional material information that you submit that reflects the issuance of an RE-4 code, a variant of an RE-3 code or an otherwise enlistment-inhibiting RE code.

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