



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

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Docket No. 561-23
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 27 January 2023. The names and votes of the panel members 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 the 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.

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

You enlisted in the Marine Corps with a medical waiver for severe flat feet and began a period of active duty on 18 September 2017. You were administratively counseled, on 9 September 2019, that you were not recommended for promotion to corporal / E-4 because of lack of initiative and lack of leadership. On 5 September 2021, you were administratively counseled that you were being assigned a reenlistment code of "RE-3P" due to your failure of the physical fitness test (PFT) during your enlistment. Accordingly, you were honorably discharged upon the completion of your required active service, on 17 September 2021, with a reentry code of "RE-3P" in accordance with the guidance in applicable Marine Corps orders.

The Board carefully considered all available evidence and weighed all potentially mitigating factors. These included, but were not limited to, your desire to change your reentry code to "RE-1" so that you may seek reenlistment and have another chance to serve and your contentions that you were sick during your final PFT, that you did not understand the importance of that PFT

toward your future, and that you intend to run a PFT with a reserve unit before returning to a prior service recruiter.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board noted that service guidance in effect at the time of your discharge provides that a single PFT failure may render you ineligible to reenlist. The Board further noted that your service record contains the requisite counseling entry documenting the reason for your assignment of an "RE-3P" reentry. In this regard, the Board found no evidence of error in your assignment of an "RE-3P" reentry code. Finally, even if you had provided supporting evidence from a prior service recruiter certifying that you now meet physical standards, the Board observed that the "RE-3P" code serves does not prohibit reentry but, rather, serves a purpose to ensure prior service recruiters take the necessary additional steps to obtain proper screening of applicants for reenlistment after an applicant has failed to meet physical or medical standards during a previous enlistment. In light of this purpose, the Board concluded that there is no unfairness or inequity in the assignment of your "RE-3P" reentry code which might justify a change to an "RE-1" reentry code. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity is attached 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,

2/12/2023

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Executive Director

Signed by: █