



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 4067-98

28 May 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 26 May 1999. 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.

The Board found that you reenlisted in the Marine Corps on 31 December 1991 for four years as a CPL (E-4). At the time of your reenlistment you had completed more than six years of prior active service in both the Army and Marine Corps.

The record reflects that you served without incident until 2 May 1994 when you received nonjudicial punishment (NJP) for dereliction in the performance of your duties and disobedience of an order. Punishment imposed consisted of a forfeiture of \$300 which was suspended for three months, and 14 days of restriction and extra police duties. The following day you were counseled regarding your below average performance as a noncommissioned officer, specifically, absence from morning formation on two occasions, failure to keep superiors informed of your whereabouts, failure to maintain an updated recall phone number, and poor personal appearance.

The record further reflects that on 23 July 1995 you received permanent change of station (PCS) orders. However, on 4 October 1995 that you were advised that you would be assigned an RE-30 reenlistment code due to your refusal to reenlist or extend to comply with PCS orders. You also declined to submit a statement in rebuttal to the assigned reenlistment code. You were honorably discharged on 18 October 1995 by reason of "voluntary discharge-completion of required active service" and assigned an RE-30 reenlistment code.

An RE-30 reenlistment code may be assigned to career Marines who receive PCS orders but refuse to extend or reenlist in order to obtain sufficient obligated service to carry out those orders. The Board noted your contention that you refused PCS orders because you were not reenlisting. However, absent convincing evidence that you informed career planners long before orders were issued that you did not intend to reenlist, the Board concluded that the reenlistment code was correctly assigned. The Board believed that you were fortunate that you were not assigned an RE-4 reenlistment code since you were within six months of reaching service limitations as a CPL. The Board concluded that the reenlistment code was appropriate and no change is warranted. Accordingly, 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,

W. DEAN PFEIFFER
Executive Director