



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 579-01
11 April 2002

PF [REDACTED] USMCR
[REDACTED]
[REDACTED]

Dear Private First Class [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.

You requested that your reenlistment code be changed from "RE-3" to "RE-1" (the Marine Corps has neither code). It is noted that the Commandant of the Marine Corps (CMC) has changed your reenlistment code to RE-3C (when directed by CMC or when not eligible and disqualifying factor is not covered by any other code). It is understood that you are requesting the RE-1A (recommended and eligible) code.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 April 2002. 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. In addition, the Board considered the advisory opinion from Headquarters Marine Corps, dated 14 January 2002, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They found that your disciplinary record made your amended reenlistment code proper, even though you are correct in asserting you were not "kicked out" of the Marine Corps (you were voluntarily released from active duty on your completion of required active service). In view of the above, your application for relief beyond that effected by CMC 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

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

579-01

IN REPLY REFER TO:

1040
MMER/RE

JAN 14 1982

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

1. [REDACTED] was honorably discharged on October 16, 2000 by reason of Completion of Required Active Service. At the time of separation, he was mistakenly given a reenlistment code of RE-3. There was no letter designator assigned with the RE-3. [REDACTED]'s service record has been reviewed and it has been determined that he should have been assigned a reenlistment code of RE-3C, which indicates that he was not eligible for reenlistment and the disqualifying factor is not covered by another code. A review of [REDACTED]'s service record shows that he received one Summary Court-Martial and one nonjudicial punishment under the Uniform Code of Military Justice for offenses which included dereliction of duty, negligent supervision of a refueling truck, making a false statement, damaging United States military property, and failure to obey a lawful order.

2. The appropriate correction to [REDACTED]'s DD Form 214 is being made and will be forwarded to him under separate correspondence.

[REDACTED]
Head, Performance Evaluation
Review Branch
Personnel Management Division
By direction of the Commandant
of the Marine Corps