



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

TRG
Docket No: 1399-01
24 October 2001

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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 October 2001. 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 opinions furnished by Headquarters Marine Corps, copies of which are enclosed. In addition, the Board considered your rebuttal to the advisory opinions dated 20 June 2001.

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. As indicated, the record shows that you received nonjudicial punishment for driving on a suspended license. You also received multiple adverse counseling entries. The Board believed that even if you had been retained, you probably would not be promoted to staff sergeant with such a record and would be denied reenlistment when you reach the length of service limitations as a sergeant. The Board concluded that the adverse matter in your record was sufficient to support the decision to deny your reenlistment. Therefore, the Board substantially concurred with the comments contained in the advisory opinion.

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

Enclosure



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

IN REPLY REFER TO:
1040
MMER/RE
30 MAY 2001

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

Subj: BCNR APPLICATION IN THE CASE OF FORMER SERGEANT [REDACTED]
[REDACTED]

1. Mr. [REDACTED] service record has been reviewed and it has been determined that his reenlistment code of RE-4 was correctly assigned. The reenlistment code was assigned based on his overall record and means that he was not recommended for reenlistment at the time of separation.
2. Mr. [REDACTED] was honorably discharged on February 11, 2001 by reason of Nonretention on Active Duty. A review of the administrative portion of his service record indicates that he was counseled concerning conduct and interaction with female potential applicants/pooles, unprofessional conduct, lack of maturity and integrity, driving with a suspended license, numerous at fault accidents with government vehicles, and not exhibiting the professional discipline, work ethic, attention to detail, and initiative expected of a noncommissioned officer. The disciplinary portion of his record shows that he received one nonjudicial punishment under the Uniform Code of Military Justice for disobeying a lawful order.
3. After a review of all relevant information, this Headquarters concurs in the professional evaluation of Mr. [REDACTED] qualifications for reenlistment at the time of separation. Once a code is correctly assigned it is not routinely changed or upgraded as a result of events that occur after separation or based merely on the passage of time.

Dahrie J. Hayman
DAHRIE J. HAYMAN

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