



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

TRG
Docket No: 1636-00
8 August 2000

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 August 2000. 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 20 December 1993 for 4 years. Subsequently, you injured your knee and were processed for an administrative discharge by reason of physical disability. On 24 July 1996, the Physical Evaluation Board rated your disability at 10% and directed your discharge due to the physical disability. You were honorably discharged on 31 July 1996 and were paid disability severance pay in the amount of \$16,570.80. The record shows that you were assigned an RE-3P reenlistment code.

You state in your application that your knee has healed and you desire to reenlist. In support of your case, you have submitted a letter from a doctor who states that your knee is normal.

Regulations only allow for the assignment of an RE-3P or an RE-4 reenlistment code when an individual is discharged due to a physical disability. An RE-3P reenlistment may be waived, if you can demonstrate that the physical problem no longer exists. An RE-4 reenlistment code means that you are not eligible for reenlistment.

Since you have been assigned the least restrictive code authorized by regulations, the Board could not find an error or injustice in the assignment of the RE-3P reenlistment code.

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