



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2039-00

22 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, 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 16 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 enlisted in the Marine Corps on 2 November 1992 for four years as a PFC (E-2). The record reflects that you were advanced to LCPL (E-3), received a meritorious mast, and had no disciplinary actions during your period of service. You were honorably discharged on 5 January 1994 by reason of physical disability and assigned an RE-3P reenlistment code. The facts and circumstances surrounding your disability were not in the records made available for the Board's review.

An RE-3P reenlistment code means that an individual has failed to meet physical/medical standards but is recommended for reenlistment except for the disqualifying factor which led to discharge. This reenlistment code might be waived by recruiting or Reserve Officer Training Corps officials if they can be convinced the medical condition which led to discharge no longer exists. However, the authority to waive a reenlistment code rests with the branch of service in which an application for

reenlistment is made and not with this Board. Since you received the most favorable reenlistment code authorized for the reason you were discharged and were treated no differently than others separated under similar circumstances, the Board could find no error or injustice in your assigned 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