



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

TJR
Docket No: 2722-01
26 July 2001

[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 17 July 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, and applicable statutes, regulations, and policies. The Board was unable to obtain your complete service record and conducted its review based on your partial service record, information extracted from your unit diary book, and the documentation submitted with your application.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 4 November 1986 at the age of 18. Your record contains two unit diary entries (UDE) which indicate that on 3 October 1990 and again on 13 September 1991 you received nonjudicial punishment (NJP). The record does not, however, indicate the offenses for which you received these NJPs.

Your record reflects that on 5 November 1992 you were convicted by special court-martial (SPCM) of disrespect and were sentenced to reduction to paygrade E-3. Shortly thereafter, on 13 November 1992, you were honorably released from active duty and transferred to the Marine Corps Reserve. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code. At the expiration of your military obligation, you were issued an honorable discharge certificate.

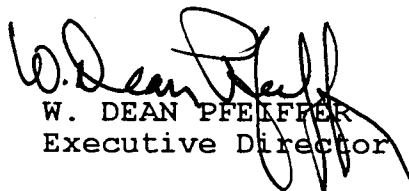
Your record also contains a letter from Headquarters, Marine Corps, which indicates that the RE-4 reenlistment code was properly assigned. This letter also indicates that, after review of your UDE, it was revealed that you were unsuitable for reenlistment because you were not recommended for promotion on several occasions, failed your physical fitness test, had a check returned due to insufficient funds, and committed misconduct which resulted in two NJPs.

The Board, in its review of your entire application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you believe it is an injustice for you to be restricted from serving in the military because of some disciplinary problems that occurred during your six year enlistment in the Marine Corps. However, the Board concluded these factors and contention were not sufficient to warrant a change in your reenlistment code because of your misconduct, and since you were not recommended for reenlistment. An RE-4 reenlistment code is required when an individual is separated at the expiration of his term of active obligated service and is not recommended for reenlistment. Given all the circumstances of your case, the Board concluded your reenlistment code was proper 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