



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

MEH:mh  
Docket No: 3805-02  
16 July 2002

[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 16 July 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 furnished by CMC memorandum 1000 MMEA-6 of 4 June 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. 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:  
1000  
MMEA 6  
4 June 02

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

Subj: BCNR DOCKET NO. 03805-02; REQUEST REINSTATEMENT OF ORIGINAL FOUR YEAR CONTRACT CASE OF [REDACTED]

1. We carefully reviewed the package for [REDACTED] and the following comment is provided:

- a. 10 February 2000 [REDACTED] submitted for 48 months reenlistment.
- 11 February 2000 48 month reenlistment authority (reference number, KUWA-4GDJQS) was approved by this headquarters (MMEA-6).
- 22 February 2000 On this date the command, specifically [REDACTED] (Commanding Officer), reenlisted [REDACTED] under authority number (KUWA-4GDJQS).
- 1 March 2000 SNM received NJP for DUI. The command declined the 48 month reenlistment authority, per MCO P1040.31H, paragraph 4101.3 which states "Even if reenlistment authority has been granted by CMC (MMEA-6), reenlistment shall not be executed when, in the opinion of the commander, the Marine authorized to reenlist has failed to maintain the high standards of professional and personal performance which led to the authority for reenlistment being granted. In such cases, the command must immediately inform the CMC (MMEA-6), who will then reconsider the Marine's request."  
A subsequent request for a three-month extension was submitted for time to resolve pending legal action against [REDACTED]
- 22 March 2000 The request for a three-month extension was approved, (reference number KUWA-4MTQNM) and acknowledged on 5/23/2000.
- 2 August 2000 The final request in this case was for a forty-eight-month reenlistment. CMC (MMEA-6) did not approve the forty-eight month request. Instead, this headquarters approved a 24 month reenlistment "For further observation", (reference number KUWA-4MTQNM). SNM executed this reenlistment on 2 November 2000.

2. Regarding [REDACTED] request for the original 48 month authority to be re-instated, this headquarters recommends the 24 month For Further Observation contract remain his official contract. As soon as SNM accepted the 24 month authority, it became the valid contract. SNM's command declined the authority for a 48 month reenlistment based on [REDACTED] pending

legal issue, and SNM opted not to pursue the 48 month reenlistment at the time. Instead, SNM executed the 24 month For Further Observation authority, and his End of Active Service (EAS) date reflects the 24 month reenlistment. [REDACTED] has served 19 months of his 24 month contract, and will be eligible to submit for further service on 2 August 2002. This headquarters recommends [REDACTED] submit for a 48 month reenlistment at that time.

2. Point of contact is Major [REDACTED] at DSN 278-9235.

[REDACTED]

[REDACTED]  
**Deputy Branch Head**  
**Enlisted Assignment Branch**