

## DEPARTMENT OF THE NAVY

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

CRS Docket No: 3176-03 29 May 2003



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 29 May 2003. 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 Headquarters Marine Corps dated 11 April 2003, 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

104 OFPLY REFER TO: MMER/RE APR 1 1 2003

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

Subj: BCNR APPLICATION IN THE CASE OF FORMER

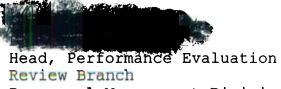
Encl: (1) How Book S DD Form 149 of 10 Feb 2003

1. **Control of the 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.

was honorably discharged on June 29, 1998 2. 何 by reason of Completion of Required Active Service. A review of the administrative portion of the service record indicates that he was counseled concerning a display of poor conduct and judgment, not being eligible for promotion, reduction in rank, minor disciplinary infractions, inappropriate behavior as a noncommissioned officer, and not being recommended for reenlistment. The disciplinary portion of the record shows that he received one nonjudicial punishment under the Uniform Code of Military Justice for offenses which included effecting a fraudulent enlistment, making advances toward a female, having a personal relationship with a private, and using a government vehicle for personal business. It is also noted that on June 4, 1998, **State For an official service record book** entry acknowledging assignment of the RE-4 reenlistment code.

3. After a review of all relevant information, this Headquarters concurs in the professional evaluation of **a 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.

4. The enclosure is returned for final action.



Personnel Management Division By direction of the Commandant of the Marine Corps