



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

CRS
Docket No: 3364-03
31 July 2003

[REDACTED]

[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 30 July 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.

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 15 September 1993. The record reflects that you received two nonjudicial punishments for absence from your appointed place of duty on two occasions.

On 23 August 1995 the commanding officer recommended that you be separated with a general discharge by reason of your inability to meet and maintain the weight standards of the Marine Corps. When informed of this recommendation, you elected to waive the right to submit a statement in response to the discharge action. Subsequently, you received a third nonjudicial punishment for wrongful appropriation of a pair of sunglasses and an unauthorized absence of three days. After review by the discharge authority, the recommendation for separation was approved and on 16 February 1996 you received a general discharge by reason of "involuntary discharge directed by established directives." At that time, you were assigned a reenlistment code of RE-4.

On 2 November 1998 the Naval Discharge Review Board changed your discharge to general discharge by reason of weight control failure.

An advisory opinion from Headquarters Marine Corps dated 14 April 2003 recommends that the Board not change your reenlistment code of RE-4. A copy of the opinion is attached.

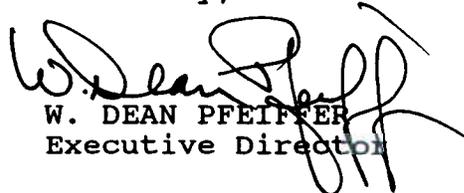
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge given your record of three nonjudicial punishments.

The Board also concurred with the comments contained in the advisory opinion. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of your 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

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1040
MMER/RE
APR 14 2003

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

Subj: BCNR APPLICATION IN THE CASE OF FORMER [REDACTED]
[REDACTED] SUBJ: RECODE

Encl: (1) [REDACTED] ADD Form 149 of 7 Feb 2003

1. [REDACTED] 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.
2. [REDACTED] was discharged Under Honorable Conditions (General) on February 16, 1996 by reason of Involuntary Discharge - Directed By Established Directive. A review of the administrative portion of the service record indicates that he was counseled concerning excess body fat and being overweight, failure to keep his living space in a satisfactory manner, improper use of the chain of command, not being recommended for promotion, weight control failure, and not being recommended for reenlistment. The disciplinary portion of the record shows that he received three nonjudicial punishments under the Uniform Code of Military Justice for offenses which included wrongfully appropriating a pair of sunglasses, and unauthorized absence. It is also noted that on February 16, 1996, [REDACTED] signed 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 [REDACTED] qualifications for reenlistment at the time of 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.

[REDACTED]
Head, Performance Evaluation
Review Branch
Personnel Management Division
By direction of the Commandant
of the Marine Corps