



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

SMW
Docket No: 5209-06
4 October 2006

[REDACTED]

[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 4 October 2006. 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 Performance Evaluation Review Branch, a copy of which is attached.

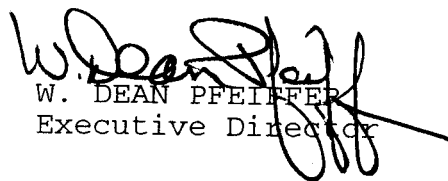
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, the Board especially noted the counseling entry of 16 April 2004. Therefore, the Board substantially 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
(1) Advisory Opinion



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

IN REPLY REFER TO:

1040

MMER/RE


JUN 08 2006

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) NAVMC 118(11)a
(2) NAVMC 118(11)b
(3) NAVMC 118(11)d of 20 Aug 03
(4) NAVMC 118(11)e of 16 Apr 04
(5) [REDACTED] DD Form 149 of 12 Dec 05

1. [REDACTED] service record has been reviewed and it has been determined that at the time of separation he was assigned a reenlistment code of RE-4, which means that he was not recommended for reenlistment. The reenlistment code was correctly assigned and was based on his overall record.
2. [REDACTED] was honorably discharged on December 10, 2004 by reason of non retention on active duty. A review of his service record indicates that he was counseled concerning failure to operate a privately owned vehicle in a safe manner; not being recommended for promotion; unprofessional conduct; inability to perform multiple activities inherent to a Marine; failure to make satisfactory progress while assigned to weight control; financial irresponsibility; insubordinate conduct toward a noncommissioned officer; and unauthorized absence. Enclosures (1) through (4) pertain.
3. After a review of all relevant information, this Headquarters concurs in the professional evaluation of [REDACTED]'s 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. Enclosure (5) is returned for final action.


J. L. TERRY
Head, Performance Evaluation
Review Branch
Personnel Management Division
By direction of the Commandant
of the Marine Corps