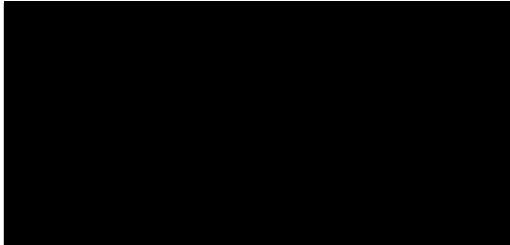




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 8924-07
3 September 2008



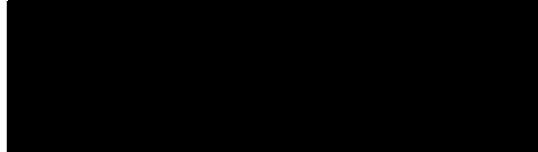
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 September 2008. 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 25 September 2007, 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



Enclosure



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

IN REPLY REFER TO:

TO: [REDACTED]
MMER/RE
SEP 25 2007

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

Subj: BCBNR APPLICATION IN THE CASE OF FORMER CORPORAL [REDACTED]
[REDACTED] IX XX [REDACTED] SUBJ: RECODE [REDACTED]

Encl: (1) NAVMC 118(11) of 6 Feb 04
(2) Report of Results of Trial dtd 8 Dec 03
(3) RELM dtd 5 Feb 04
(4) [REDACTED] DD Form 149 of 21 Jun 07

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 March 31, 2004 by reason of non-retention on active duty. A review of his service record indicates that he was counseled concerning receiving a RE-4 reenlistment code due to service limitations. The disciplinary portion of his record shows he received one Special Court-Martial under the Uniform Code of Military Justice for fraternization and adultery. It is also noted that the Commandant of the Marine Corps authorized half payment of enlisted separation pay and directed the assignment of the RE-4 reenlistment code. Enclosures (1) through (3) pertain.
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. Enclosure (4) is returned for final action.

[REDACTED]