



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 11312-14
18 December 2015

5 U.S.C. 552(b)(6)

Dear 5 U.S.C. 552(b)(6):

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and considered your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 November 2015. The names and votes of the members of the panel will be furnished upon request. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 13 January 1998. You served for nine months without disciplinary incident, but on 20 October 1998, you received nonjudicial punishment (NJP) for wrongful use of marijuana. On 5 February 2002, you were honorably released from active duty and assigned an RE-4B (not recommended for retention) reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your reenlistment code for possible reentry into the armed forces. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in wrongful drug use in light of the Navy's policy of "zero tolerance" and the non-recommendation for reenlistment which was sufficient to support the assignment of an RE-4B. Accordingly, your application has been denied.

Each branch of the Armed Forces established its own criteria for enlistment within the provisions of federal law. The reenlistment code assigned by the Marine Corps is not binding upon the other services, which are free to accept or reject an application on the basis of their own standards. If another branch of service decides to waive your reenlistment code and accept you for enlistment, the Navy will not object.

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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

5 U.S.C. 552(b) (6)

SCOTT F. THOMPSON
Executive Director