



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

[REDACTED]
Docket No. 3137-16

FEB 13 2017

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 2016. 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 that 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 16 November 2005. On 6 October 2006, you received nonjudicial punishment (NJP) for Violation of Article 92 (Failure to obey a lawful order). You received a reduction in paygrade, restriction, extra duty, and a suspended forfeiture of pay. Additionally, you were counseled for the deficiencies of violating Article 92 (Disobeying a lawful order) and Article 111 (Drunken or reckless operation of a vehicle), and warned that further misconduct could result in disciplinary action and/or processing for an administrative discharge. You received a second counseling for the loss of a PEQ-15 while in your charge as the company armory custodian, and warned that further misconduct could result in disciplinary action and/or processing for an administrative discharge. Subsequently on 15 November 2009, you were discharged from the military with an honorable characterization of service and assigned an RE-3C reenlistment code.

The Board, in its review of your entire application, carefully weighed all potentially mitigating factors, such as your record of service, your contention that you are homeless, your desire to continue to serve your country, and that you are not a conscientious objector. However, the

Board concluded these factors were not sufficient to warrant a change in your reentry code. Accordingly, your application has been denied.

Please note that an RE-3C reentry code does in no way correspond to a conscientious objector status. Additionally, please be advised that at the time of your discharge, your RE-3C reentry code was not an absolute bar to reenlistment. This reentry code requires you to obtain a CMC waiver to reenlist. Recruiting personnel are responsible for determining whether you meet the standards for reenlistment at such time, and whether or not a request for a waiver of your reenlistment code is feasible given your specific circumstances.

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 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 this 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,



Executive Director