



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

Docket No. 3316-16
DEC 15 2016

Dear

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 29 July 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 available 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 United States Marine Corps and began a period of active duty on 30 October 2007. You served for about seven months without any disciplinary incident, and then during the period from 2 May 2008 to 20 October 2009, you were counseled four (4) times for several conduct deficiencies. These deficiencies consisted of several incidents of failing to obey orders or regulations, and willfully disobeying the lawful order of a non-commissioned officer. On 21 October 2013, you were again counseled for deficiency regarding your inability to conduct yourself as a Sergeant, resulting in failure to maintain good order and discipline.

Your contention is that you were never informed that you would become ineligible for further service "by being non-recommended". You further contend that during your final interview battalion commander stated he did not know you would become ineligible for further service and would recommend you for the reserves for another branch.

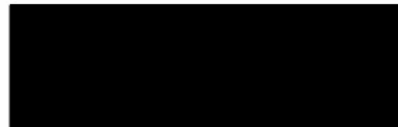
Although the Board lacked your entire service record book (SRB), it appears from available records in the SRB that on 2 June 2015, you and your Commanding Officer subsequently signed

an Administrative Remarks (NAVMC 118(11)), which you acknowledged that "I have been informed by my Commanding Officer that I will be assigned a reenlistment code of RE-3C upon your separation due to disqualifying factors and being not recommended for reenlistment." The Board found that you willing and knowingly signed the counseling knowing that you were not being recommended for reenlistment. As a result, 6 August 2015, you discharged with an honorable discharge and a reenlistment code of RE-3C.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your contention that you were never informed that you would become ineligible for further service, and your desire to upgrade your RE Code so you can join the reserves. However, the Board determined that these factors were not sufficient enough to warrant relief in your case because of your continued, repeated deficiencies, and an inability to follow military orders and regulations. The Board determined that you were given notice and rightfully assigned the reenlistment code of RE-3C. Accordingly, your application has been denied.

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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director