



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

[REDACTED]
Docket No. 3541-16
JAN 03 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 12 August 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 United States Marine Corps and began a period of active duty on 13 July 2009. On 6 August 2013, you reenlisted in the Marine Corps for 3 years 6 months with a Zone A SRBP in the amount of \$41,500. You signed the contract acknowledging "I understand that this reenlistment contract is contingent upon my successful completion of the training requirements for MOS 0211. Should I fail to complete the training requirements for MOS 0211, I may be administratively separated from the Marine Corps." On 25 March 2014, the Medical Officer, Group Aid Station, Headquarters, Group [REDACTED] provided a review of your medical record regarding Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) and your administrative separation. The medical officer, noted that a review of your medical record revealed that you have been deployed twice in support of Operation Enduring Freedom (OEF); however, your medical records and his interview with you did not report any symptoms of TBI or PTSD. On 1 April 2014, you received and acknowledged the Notification of Separation Proceedings (No Board Case). You also received your Acknowledgement of Rights and elected not to consult with counsel for to submit written statement in your own defense, and acknowledged that you understood the administrative separation proceedings.

Your application claims that "I never even made it to the school house, due to some hardships in my life at the time, I took an administrative separation, with honorable discharge. I'm now trying to re-enlist in the reserves, but the prior service recruiter cannot help with a RE-3E." You

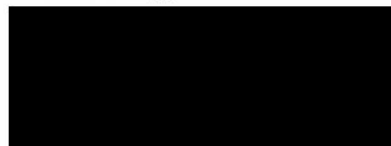
application further claims "Since I never made it to the school house for my LATMOVE MOS, I do not believe I rate the RE-3E code, I am respectfully requesting that my code is changes so I can re-enlist."

The Board, however, found that on 1 April 2014, you signed and acknowledged an Administrative Remarks (NAVMC 118(11) with the commanding officer, stating that "you are being counseled this date for the following deficiencies in your performances: "Failure or disenrollment from lateral school seat assignment." You further acknowledged "I understand I am being processed for the following administrative separation to wit: Convenience of the Government - Failure or disenrollment from lateral school seat assignment." You were given the opportunity to submit a statement; however, you failed to indicate whether or not you intended to submit a statement. Subsequently, on 7 May 2014, your commanding officer directed your separation.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your RE-Code from RE-3E to RE-1 or RE-1A. However, the Board determined that these factors were not sufficient enough to warrant relief in your case because you signed the reenlistment contract acknowledging that you understood that the reenlistment contract was contingent upon your successful completion of the training requirements for MOS 0211. Furthermore, that should you fail to complete the training requirements for MOS 0211, that you may be administratively separated from the Marine Corps. You failed to live up to the terms of the contract. The Board, therefore, determined that you were rightfully assigned the reenlistment code of RE-3E. 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 large black rectangular redaction box covering the signature of the Executive Director.

Executive Director