



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

[REDACTED]
Docket No: 6851-17
FEB 12 2018

[REDACTED]
Dear [REDACTED]

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.

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 consider 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 3 January 2018. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps and began a period of active duty on 12 June 2007. You served without disciplinary incident for nearly four years. On 3 June 2011, you received nonjudicial punishment for operating a vehicle while under the influence of alcohol. You were subsequently informed that you were recommended but not eligible for reenlistment due to an alcohol-related conviction and that you would be assigned a reentry (RE) code of RE-3C upon separation. You acknowledged the Administrative Remarks and the counseling entry relating to the ineligibility for reenlistment and the RE-3C with your signature. You were discharged from the Marine Corps on 28 June 2011, upon completion of your required period of active duty service. You earned an honorable characterization of service and received a reentry (RE) code of RE-3C.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material or injustice. The Board, in its review of your entire record and application, carefully weighed all potentially

mitigating factors relating to your request for a change from an RE-3C to an RE-1. You contend that you recently learned that the RE-3C is assigned to Marines who identify as conscientious objectors and that the issuance of the RE-3C makes you ineligible for reenlistment. MARCORPSEPMAN states that an RE-3C is assigned when directed by the Commandant of the Marine Corps or when the Marine is not eligible and the disqualifying factor is not covered by any other code. MARCORPSEPMAN requires a service record book (SRB) entry that states the reason for the assignment of the RE-3C and requires the individual Marine to sign the SRB entry. The Board noted contrary to your understanding, the RE-3C does not reflect that a Marine is a conscientious objector. Additionally, the Board noted that the RE-3C is a waivable code and does not preclude reenlistment. When determining if the RE-3C was issued to you in error or unjustly, the Board reviewed your service record and noted that your RE-3C was issued with the requisite SRB entry that explained its basis was due to a "DUI conviction." The Board concluded that your RE-3C was assigned in accordance with the requirements of the MARCORPSEPMAN and does not merit corrective action to cure either an error or an injustice. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,


Executive Director