



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 6506-98

6 August 1999

[REDACTED]

Dear [REDACTED]

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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 August 1999. 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.

The Board found you enlisted in the Marine Corps on 15 June 1993 at the age of 19. Your record, even though it is incomplete, contains two administrative remarks (page 11) entries regarding your misconduct and the assignment of an RE-3C reenlistment code. These entries noted in part, as follows:

28 January 1997: Counseled this date concerning deficiencies... demonstrated a pattern of misconduct by violating the rules and articles that govern the Marine Corps, which led to NJP (nonjudicial punishment)... you are informed that this pattern of conduct will not be tolerated and any further violations will be handled with serious legal action.

12 August 1997: RE-3C assigned by CMC on 970807 due to the nature of NJP's on contract

On 14 September 1997, at the expiration of your enlistment, you were honorably released from active duty and assigned an RE-3C reenlistment code.

The Board, in its review of your entire application and record, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you should not have received an RE-3C reenlistment code because you were honorably discharged at the expiration of your enlistment. However, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code given your misconduct. Although the offenses and punishment were not a part of your record, it is clear that you did receive NJP. Further, the Board noted that you were separated at the expiration of your enlistment and an RE-3C reenlistment code was appropriate since you were not recommended for reenlistment without the prior approval of the Commandant of the Marine Corps (CMC). Accordingly, the Board concluded that your reenlistment code was proper and your application must be denied.

The names and votes of the members of the panel will be furnished upon request.

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 or other matter 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,

W. DEAN PFFEIFFER  
Executive Director