



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 471-01
14 June 2001

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 June 2001. 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.

The Board found that you enlisted in the Marine Corps for six years on 28 November 1989 at age 22. The record shows that on 22 March 1991 you were counseled after completing an inpatient (level III) alcohol rehabilitation program. On 28 July 1992 you received nonjudicial punishment for being drunk and disorderly in a bar and putting your fist through a window. In a related action you were counseled concerning the alcohol related incident and it is noted that your blood alcohol content was .22. On 16 November 1992 you were counseled concerning nonpayment of child support.

You then served for about 23 months without incident. However, on 12 October 1994 you were counseled concerning your lack of punctuality and on 1 February 1995 you received another nonjudicial punishment for an unauthorized absence of about one day. The punishment imposed included a reduction in rank to LCPL (E-3).

On 1 October 1995 you were not recommended for reenlistment because of your failure to maintain the conduct and standards expected of a Marine. You were released from active duty on 27

November 1995 with your service characterized as honorable. Subsequently, you were issued an honorable discharge at the end of your military obligation.

The Board believed that a record which includes two nonjudicial punishments, several counseling entries, and an alcohol related incident after completion of a level III alcohol rehabilitation program is sufficient to support the assignment of the RE-4 reenlistment code. Therefore, the commanding officer did not abuse his discretion when he decided you should not be recommended for reenlistment. The Board concluded that the RE-4 reenlistment code was proper as assigned and no change is warranted.

Accordingly, your application has been 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 PFEIFFER
Executive Director