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

TJR
Docket No: 7734-98
29 April 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 20 April 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 reenlisted in the Marine Corps on 9 November 1993 after four years of prior honorable service. Your record reflects that you continued to serve for two years and two months without disciplinary incident but on 29 January 1997 you received nonjudicial punishment (NJP) for three incidents of failure to obey a lawful order and failure to go to your appointed place of duty. The punishment imposed was reduction to paygrade E-4.

Your record contains an administrative remarks (page 11) entry in which you acknowledged assignment of an RE-30 reenlistment code due to your refusal to reenlist. On 29 July 1998, at the completion of your required active service, you were honorably discharged and assigned an RE-30 reenlistment code.

Your record also contains a letter from the Headquarters Marine Corps, Performance Evaluation Review Branch dated 29 July 1998 which noted, in part, as follows:

> ....the RE-30 reenlistment code was correctly assigned.... the reenlistment code was based on your overall record of performance while on active duty and means that you refused assigned orders without sufficient obligated service

> remaining.... administrative portion of your service record indicates that you were counselled concerning your unwillingness to reenlist/extend to comply with PCS orders.... you signed an official service record book entry acknowledging receipt of the RE-30 reenlistment code.... once a code is correctly assigned it is not routinely changed or upgraded as a result of events that occur after separation or based merely on the passage of time.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your honorable service and your contention that you would like your reenlistment code changed so that you may become a commissioned officer. The Board further considered your contention that you refused to reenlist in the Marine Corps because you had been accepted for college. However, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code given your refusal to reenlist. Further, the Board concurs with the comments contained in the letter from Headquarters Marine Corps, Performance Evaluation Review Branch. The RE-30 reenlistment code may not prohibit reenlistment, but requires that a waiver be obtained. Recruiting personnel are responsible for determining whether you meet the standards for reenlistment, and whether or not a waiver of your reenlistment code is feasible. Given all the circumstances in your case, the Board concluded your reenlistment code was proper as issued 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