



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2198-99

20 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 18 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 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 on 9 December 1986 for five years at age 19. The record reflects that you were promoted to CPL (E-4) and served for nearly 21 months without incident. However, during the 18 month period from November 1988 to May 1990 you received four nonjudicial punishment (NJPs). The offenses consisted of absence from your appointed place of duty, a 16 hour period of unauthorized absence, disrespect and failure to obey a lawful order.

The record further reflects that on 11 June 1991 the commanding officer (CO) commented on the Career Planning Contract Record that you had matured since Desert Storm/Shield and were a hard worker. You were recommended for reenlistment. An interview conducted on 26 September 1991 by the career planner noted that you had decided to get out at the expiration of your enlistment and were planning to attend junior college. The career planner noted that although you were recommended for reenlistment in June

1991 by your previous CO, you were ineligible due to the four NJPs and should receive an RE-3C reenlistment code. Thereafter, the current CO recommended you for reenlistment and assignment of a RE-3C reenlistment code. You were then informed that this code was being assigned since four NJPs made you ineligible for reenlistment. There is no evidence that you submitted a request for reenlistment.

On 8 December 1991, you were honorably released from active duty, transferred to the Marine Corps Reserve, and assigned an RE-3C reenlistment code.

Regulations provide that individuals with more than two NJPs are ineligible for reenlistment without CMC's approval. An RE-3C reenlistment code is assigned when directed by Commandant of the Marine Corps (CMC), or when an individual is not eligible for reenlistment and the disqualifying factor is not covered by any other code. Your contentions to the effect that your DD Form 214 contains no remarks to justify the assigned reenlistment code and the career planner never considered your CO's recommendation are without merit. The record clearly indicates that both CO's recommended you for reenlistment. The reenlistment code was assigned by the CO, not by the career planner. The career planner only pointed out to the CO that since you were recommended for reenlistment, you rated an RE-3C reenlistment code and not an RE-4. The Board concluded that the reenlistment code was proper 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