



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

ELP
Docket No. 1948-01
27 July 2001

[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 Navy Records, sitting in executive session, considered your application on 25 July 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 on 12 June 1995 for four years at age 17. The record reflects that you were advanced to CPL (E-4) and served without incident until 26 February 1998, when a physical evaluation board (PEB) found you physically unfit by reason of chronic left elbow pain and were assigned a 10 percent disability rating. Separation with severance pay was recommended. You accepted the preliminary findings and waived the right to a formal PEB hearing. You were honorably discharged on 30 April 1998 and assigned an RE-3P reenlistment code.

Regulations authorize the assignment of an RE-3P or RE-4 reenlistment code to an individual discharged by reason of physical disability. An RE-3P reenlistment code means that the individual is eligible for reenlistment except for the disqualifying medical factor which led to discharge. This code may not prevent you from applying for an officer program after you complete your degree since recruiting officials may have the

authority to waive the code if you can show that medical condition no longer exists. Since you received the most favorable reenlistment code authorized by regulation, the Board could find no error or injustice in your assigned reenlistment code. 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