



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

BJG
Docket No: 4755-01
8 November 2001

ME [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.

You requested upgrading your reenlistment code of RE-4 (not recommended for reenlistment) to RE-1, RE-1C, or RE-3C (directed by the Commandant of the Marine Corps (CMC) or not eligible for reenlistment and the disqualifying factor is not covered by any other code.) Since the Marine Corps has no codes of RE-1 or RE-1C, it is presumed you were requesting RE-1A (recommended and eligible for reenlistment). You also requested full separation pay.

It is noted that CMC has corrected your reenlistment code to RE-3C.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 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. In addition, the Board considered the advisory opinions from Headquarters Marine Corps, dated 1 and 6 August 2001, copies of which are attached. They also considered your letters dated 14 and 23 June 2001, each with enclosures.

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. In light of your special court-martial conviction, they found the RE-1A code would not be warranted, notwithstanding your commanding officer's recommendation for your reenlistment. They substantially concurred with the comments contained in the advisory opinion dated 1 August 2001 in finding you do not rate full separation pay. In view of the above, your application for relief beyond that effected by CMC 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

Enclosures