



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

CRS
Docket No: 5527-01
30 November 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 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.

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 reenlisted in the Marine Corps after more than three years of prior active service. The record reflects that you received numerous counseling entries that included poor judgment regarding personal finances on two occasions, failure to turn your weapon into the armory, failure to prepare for a wall locker inspection on two occasions, failure to clean your rifle, and being late for morning formations. On 30 April 1984 a competency review board reduced you in rank from SGT to CPL.

On 17 May 1984 the commanding officer recommended that you be separated with a general discharge by reason of misconduct due to minor disciplinary infractions. After review by the discharge authority, the commanding officer's recommendation for separation was approved and you were discharged with a general discharge on 3 July 1984. At that time you were assigned a reenlistment code of RE-4.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your contention that the discharge was too harsh. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your record of numerous counseling entries. Consequently, the Board concluded that no change to the discharge is warranted.

Applicable regulations require the assignment of an RE-4 reenlistment code when an individual is discharged due to misconduct. Since that is the reason for your discharge, you have been treated no differently than others in your situation. Therefore, the Board could not find an error or injustice in the assignment of your 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