



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

TRG
Docket No: 6285-02
21 January 2003

[REDACTED]

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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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 January 2003. 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.

You enlisted in the Marine Corps on 17 February 1993 and served continuously until your discharge. The record shows that on 5 March 1997 you received nonjudicial punishment for disobedience and leaving your appointed place of duty. Additionally, you were counseled on two occasions concerning a substantiated incident of child neglect and for having personal relations with a student. Subsequently, you were promoted to sergeant and in the fitness report for the period 8 May 1999 to 31 March 2000 you were recommended for promotion.

In an endorsement to your request for reenlistment the commanding officer recommended that you not be reenlisted because of your lack of judgment, inconsistent performance, lack of desire, and because you wanted to reenlist for the wrong reasons. After review, Headquarters Marine Corps denied your reenlistment and directed one half separation pay and an RE-4 reenlistment code because of the NJP and adverse counseling entries. You were honorably discharged with an RE-4 reenlistment code on 6 November 2000.

You desire a change in the reenlistment code so that you can

again serve as a Marine. In support of your request, you have submitted a letter from a first sergeant who states that you performed in an excellent manner while you were attached to the Second Battalion, Eighth Marines.

The Commandant of the Marine Corps is authorized to grant or deny an individual's request to reenlist. Given your disciplinary and counseling record, the Board concluded that there was no abuse of discretion when your request for reenlistment was denied and an RE-4 reenlistment code was directed. Further, even if you had a better reenlistment code, your reenlistment would still have to be approved. 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