



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

WMP
Docket No: 10717-02
5 June 2003

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 June 2002. 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, 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 on 16 January 1998 for four years after over four years of prior active service as a corporal (CPL; E-4). Your record further reflects that on 1 December 1998 you were advanced to sergeant (SGT; E-5).

You were issued permanent change of station (PCS) orders on 20 July 2001. However, you failed to obtain the necessary obligated service to execute these orders and, on 16 August 2001, Headquarters Marine Corps (CMC) directed that you be advised that an RE-30 reenlistment code would be assigned upon separation due to your failure to incur the necessary obligated service to execute those PCS orders. Accordingly, you signed a service record book (SRB) entry to that effect. Specifically, the SRB entry stated that:

...I have been assigned the reenlistment eligibility code RE-30. Reason: I will not reenl/extenl to comply with PCS orders. I have been advised that Marines assigned this code are not eligible for promotion, reenlistment, commissioning or warrant officer programs, special education programs, or involuntary separation pay unless specifically authorized by CMC(MMEA). I have been given the opportunity to submit a statement and that statement, if submitted, will be filed on the document side of my srb. I choose to/not to submit a statement.

Further, the SRB entry did not indicate whether you desired to make a statement and no statement was filed in your SRB.

On 15 January 2002 you were honorably discharged by reason of expiration of enlistment and assigned an RE-30 reenlistment code, as directed by CMC.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your contention that you did not refuse the orders that resulted in your reenlistment code. However, the Board concluded that you were issued orders and refused to incur the obligated service necessary to execute those orders. As a result of this refusal, as a career Marine, you were appropriately assigned an RE-30 reenlistment code by CMC. Furthermore, you have failed to provide evidence to substantiate your claims that you did not refuse the PCS orders because they were never delivered. 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