



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

CRS
Docket No: 5745-03
20 August 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.

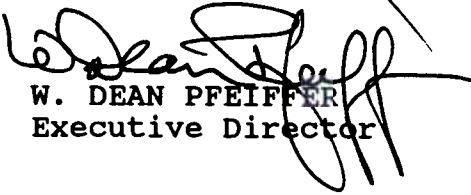
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 August 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 24 June 2003, a copy of which is attached.

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 this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1040
MMER/RE
JUN 24 2003


MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF FORMER [REDACTED]

Encl: (1) [REDACTED] DD Form 149 of 12 Mar 2003

1. [REDACTED] service record has been reviewed and it has been determined that his reenlistment code of RE-3C was correctly assigned. The reenlistment code was assigned based on his overall record of performance and means that he was not eligible for reenlistment at the time of separation and the disqualifying factor is not covered by another reenlistment code.
2. [REDACTED] was honorably discharged on October 27, 1991 by reason of Expiration of Enlistment. A review of the administrative portion of his service record indicates that he was counseled concerning writing a bad check, not being recommended for promotion, lack of maturity, force and initiative, poor attitude, cooperation with noncommissioned officers, violation of curfew, sleeping on post, alcohol abuse, substandard performance, and frequent involvement with military authorities. The disciplinary portion of the record shows that he received one Summary Court-Martial and three nonjudicial punishments under the Uniform Code of Military Justice for offenses which included being disorderly, assaulting a fellow Marine, dereliction of duty, failure to obey an order, and unauthorized absence.
3. After a review of all relevant information, this Headquarters concurs in the professional evaluation of [REDACTED] qualifications for reenlistment at the time of separation. Once a code is correctly assigned it is not routinely changed or upgraded as a result of events that occur after separation or based merely on the passage of time.
4. The reenlistment code assigned by the Marine Corps is an administrative marking which reflects the member's acceptability for reenlistment at the time of separation from the Marine Corps. The code may, however, be waived at the discretion of the acquiring branch of service per their own policies and regulations.

5. The enclosure is returned for final action.



Head, Performance Evaluation
Review Branch
Personnel Management Division
By direction of the Commandant
of the Marine Corps