



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

SJN
Docket No: 08414-08
29 September 2008

[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 23 September 2008. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Marine Corps on 30 April 1986 after three years of honorable service. You served over four years without incident until 12 February 1991, when you were convicted by special court-martial (SPCM) of larceny of government property. You were sentenced to a reduction in paygrade and a written reprimand.


On 21 May 1991, you were informed by your commanding officer that you were not recommended for retention due to your SPCM conviction. On 22 May 1991, you were honorably discharged from active duty at the expiration of your enlistment. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service, two Good Conduct Medals, your last period of honorable service, and the reason you were not permitted to reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code. In this regard, an RE-4 reenlistment code is required when an Marine is

separated at the expiration of active obligated service and is not recommended for retention. 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