



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

RDZ:ecb  
Docket No. 08948-08  
16 June 2009

[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 16 June 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary evidence 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 5 September 2008, 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, VA 22134-5103

IN REPLY REFER TO:  
1040  
MMER/RE  
5 Sep 08

[REDACTED]

This is in reply to your inquiry of July 23, 2008 regarding the assignment of your reenlistment code.

Your service record has been reviewed and it has been determined that your reenlistment code of RE-3C was correctly assigned. Your reenlistment code was assigned based on three Non-Judicial Proceedings for violating Articles 90 (Assaulting or willfully disobeying superior commissioned officer), 91 (Insubordinate conduct toward warrant officer, noncommissioned officer), 92x2 (Failure to obey order or regulation), 108 (Military property of the United States—sale, loss, damage, destruction, or wrongful disposition) of the Uniform Code of Military Justice. Your attention is invited to paragraph 4103.1b and 1m, MCO P1040.31J. After review of all relevant information, we concur with the professional evaluation of your qualifications for reenlistment at the time of separation. Since your reenlistment code is correctly assigned, no change is warranted. 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.

If you disagree with the justification and rationale for this determination, you have the right to petition the Board for Correction of Naval Records to conduct an additional review. This may be done by submitting the enclosed Application for Correction of Military Record (DD Form 149) to the Chairman, Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370-5100. To demonstrate to BCNR that you have exhausted all available administrative remedies, it is necessary that a copy of this letter be attached to your application.

I regret that a more favorable response is not possible; however, I trust this satisfactorily answers your inquiry.

Sincerely,

Frances S. Poletto

Head, Performance Evaluation  
Review Branch

Manpower Management Division

~~By the direction of the Commandant~~  
Of the Marine Corps

Encl:

(1) DD Form 149