



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

RDZ:ecb
Docket No. 06256-09
2 December 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 1 December 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, from Headquarters Marine Corps dated 11 June 2009, a copy of which is attached.

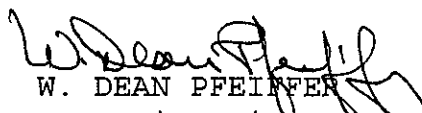
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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

JUN 11 2009

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

Subj: BCNR APPLICATION IN THE CASE OF FORMER [REDACTED]
[REDACTED] SUBJ: RE-CODE

Encl: (1) NavMC 118 (11)
(2) NavMC 118 (12)
(3) SPCM Supplemental Order NR 05-0909 of 11 May 05
(4) SPCMO 121-04 of 9 Dec 04
(5) NDRB NR # 200401757 of 10 Mar 05
(6) DD Form 214
(7) [REDACTED] DD Form 149 of 17 Mar 05

1. On May 17, 2005 [REDACTED] received a Bad Conduct Discharge. At the time of separation, [REDACTED] was assigned a reenlistment code of RE-4, which indicates he was not recommended for reenlistment due to a Special Court-Martial conviction. A review of the administrative portion of his record indicates that he was in an unauthorized absence status for 226 days. The disciplinary portion of the record shows that he received one Special Court-Martial for violating Article 86 (unauthorized absences) of the Uniform Code of Military Justice.

2. After a review of all relevant information, we concur with the professional evaluation of [REDACTED] qualifications for reenlistment at the time of separation. Since his 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.

3. Enclosure (7) is returned for final action.

Frances S. Poletto
Head, Performance Evaluation
Review Branch
Manpower Management Division
By the direction of the Commandant
Of the Marine Corps