



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

RDZ:jdh
Docket No. 06279-09
19 November 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 19 November 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, and notwithstanding the advisory opinion, 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

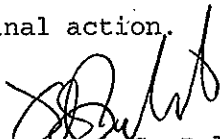
Encl: (1) NavMC 118 (11)
(2) NavMC 10132
(3) NavMC 118 (13)
(4) DD Form 214
(5) CG, ltr 1900/LAO of 19 Jan 06
(6) [REDACTED] DD Form 149 of 22 Feb 09

1. [REDACTED]'s service record has been reviewed and it has been determined that at the time of separation he was assigned a reenlistment code of RE-4, which means he was not recommended for reenlistment. This reenlistment code was assigned because Mr. [REDACTED] was administratively separated by reason of misconduct due to the commission of a serious offense.

2. [REDACTED] was discharged from the U.S. Marine Corps under other than honorable conditions on January 31, 2006. The administrative portion of his record shows that he received one counseling entry addressing his unauthorized absence. The disciplinary portion of [REDACTED] record shows that he received one Non-Judicial Punishment and one Summary Court-Martial for violating articles 86 (unauthorized absence) and 91 (insubordinate conduct towards SNCO) of the Uniform Code of Military Justice.

3. After a review of all relevant information, this Headquarters concurs in the professional evaluation of [REDACTED]'s 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. Enclosure (6) 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