



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 4929-14
6 May 2015

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, United States Code, section 1552.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 May 2015. The names and votes of the members of the panel will be furnished upon request. 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 enlisted in the Marine Corps and began a period of active duty on 29 July 2002. On 6 October 2003, you were counseled regarding driving under the influence (DUI) of alcohol. You were warned that further misconduct could result in administrative discharge action. On 29 July 2005, you received nonjudicial punishment (NJP) for disobedience and drunken driving. On 1 December 2005, you received a second counseling and retention warning for being absent from your appointed place of duty. On 13 June 2006, you were informed that you were not recommended for reenlistment because of your DUI; and that you were being assigned and RE-3C (Commandant of the Marine Corps authority required for reenlistment) reentry code. On 29 July 2006, you

were honorably released from active duty at the completion of your required service, and transferred to the Marine Corps Reserves. At that time you were assigned an RE-3C reentry code. In this regard, you were assigned the most favorable reentry code based on your circumstances. The RE-3C reentry code may not prohibit reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for reviewing the feasibility of satisfying the Marine Corps personnel manning goals by determining whether or not an individual meets the standards for reenlistment. If you wish to reenlist, re-affiliate, or be reinstated in the Marine Corps, you should contact the Marine Corps Recruiting Command via your nearest recruiting facility.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, the reason you were not permitted to reenlist, and your desire to upgrade your RE-3C reentry code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reentry code given the reason for your separation and the fact that your current reentry code is authorized and eligible for a waiver. In this regard, an RE-3C reentry code is authorized when a Marine is released from active duty, and is not recommended for reenlistment. Accordingly, your application has been denied.

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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,



ROBERT J. O'NEILL
Executive Director