SJN
Docket No: 7372-14
3 August 2015

Dear

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 27 July 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 8 August 1995. Your record is incomplete, in that it does not contain all of the documentation regarding your separation. However, the Board found that on 20 June 1999, you signed an Administrative Remarks (Page 11) entry acknowledging that you were being assigned an RE-3C reentry code due to receiving orders, in response to a humanitarian separation request (HUMS). You were honorably released from active duty on 7 August 1999. At that time you were assigned and 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 and the reason for your release from active duty. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reentry code given the fact that you were released from active duty, based on what appears to be your HUMS request. In this regard, an RE-3C reentry code is authorized when a Marine is released from active duty at the completion of their required service as a result of a HUMS request. Finally, Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record. 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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL
Executive Director