



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 7336-98

5 April 1999

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 March 1999. 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.

The Board found you enlisted in the Marine Corps on 9 October 1990 at the age of 18.

Your record contains two administrative remarks (page 11) entries which indicate that you received counselling on 15 July 1991 and 6 May 1992 regarding deficiencies in your conduct, specifically, a speeding violation and writing a dishonored check in the amount of \$4.15.

Your record reflects that you served for three years and two months without disciplinary incident but on 7 December 1993 you received nonjudicial punishment (NJP) for using provoking speech. The punishment imposed was reduction to paygrade E-2, extra duty for 45 days, and forfeitures totalling \$912. The reduction and forfeitures were suspended for a month.

Your record also contains a page 11 entry which indicates that on 12 May 1994 you received counselling regarding your failure to pay just debts. On 6 September 1994 you signed a page 11 entry which noted that you would be assigned an RE-4 reenlistment code because you were relieved of your duties in your primary military occupational speciality (MOS) due to the NJP.

On 8 October 1994, at the completion of your required obligated service, you were honorably released from active duty, transferred to the Marine Corps Reserve, and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record, carefully weighed all potentially mitigating factors, such as youth and immaturity and your contention that you would like your reenlistment code changed so that you may reenlist. The Board further considered your contention that the RE-4 reenlistment code is unjust and the results of a blatant abuse of power by the chain of command. However, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code given your misconduct. Further, an RE-4 reenlistment code is required when an individual is not recommended for retention or reenlistment. Given all the circumstances of your case, the Board concluded your reenlistment code was proper and no change is warranted. 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