



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

TRG
Docket No: 9442-02
11 September 2003

[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 9 September 2003. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Marine Corps on 13 December 1996 for four years. At that time, you had completed almost four years of active duty on a previous enlistment. On 7 October 1998 you were counseled because you would not reenlist or extend your enlistment for orders. About a year later, you received nonjudicial punishment for disobedience. The punishment imposed was a reduction in grade from sergeant to corporal (CPL; E-4). You were released from active duty on 12 December 2000 in the grade of CPL. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

On 8 October 1992, Headquarters Marine Corps determined that an RE-3C reenlistment code was more appropriate in your case, and directed a change in your DD Form 214 to show that reenlistment code. Apparently, your record has been corrected to reflect this change.

Regulations state that an RE-3C reenlistment code is assigned when a restrictive reenlistment code is warranted and no other code fits the circumstances. An RE-3C reenlistment code may be waived and reenlistment authorized. However, the decision

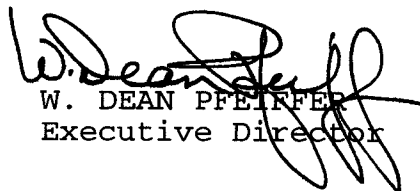
whether or not to grant a waiver is a matter within the sole discretion of recruiting authorities.

Since you were reduced in grade as a result of the NJP, you were a CPL with almost eight years of service at the time of your discharge. This is the time in service limitation for a CPL and this limitation apparently was a factor in your case. Given your disciplinary record, length of service and grade at the time of your discharge, the Board concluded that the restrictive RE-3C reenlistment code is appropriate 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