



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

TRG
Docket No: 1714-99
7 October 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a an enlisted member of the United States Marine Corps Reserve filed enclosure (1) with this Board requesting that the RE-30 reenlistment code assigned to him on release from active duty be changed to RE-1A.

2. The Board, consisting of Mr. Pfeiffer, Mr. Milner and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 5 October 1999 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner reenlisted in the Marine Corps on 22 November 1994 for three years. At that time he had completed about 40 months of active service on a prior enlistment. According to Petitioner, he received orders to a new duty station in September 1997. However, he elected to be discharged and was issued an honorable discharge at the expiration of his enlistment on 21 November 1997. The DD Form 214 prepared at that time indicates that he was assigned an RE-1A reenlistment code. Subsequently, a DD Form 215 was issued changing the reenlistment code to RE-30. Since discharge, Petitioner has affiliated with a reserve unit and has continued to serve in an excellent manner.

d. Regulations allow for the assignment of an RE-30 reenlistment code if a career Marine declines to accept orders and is discharged at the expiration of enlistment. This prevents Marines from being discharged and enlisting a few days later for different orders.

e. Petitioner states that he told his superiors that he would not reenlist because his parents had been injured in an automobile accident and needed help with the farm work, and he was surprised when he received orders. He states that the command told him not to be concerned, but did nothing to inform Headquarters Marine Corps of his situation. He also notes that he was issued the transfer orders early because the command had an excess number of sergeants.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes Petitioner's excellent record and his explanation of the circumstances which led to the assignment of the RE-30 reenlistment code. Therefore, the Board concludes that, in retrospect, although the assignment of this restrictive reenlistment code may have been technically proper, given the circumstances of Petitioner's case, it was not warranted, and should now be changed to RE-1A.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 21 November 1997 he was assigned an RE-1A reenlistment code vice the RE-30 reenlistment code now of record.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and

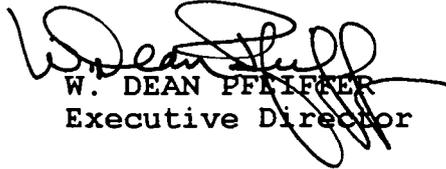
complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director