



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

TRG  
Docket No: 7771-01  
10 April 2002

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) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps filed an application with this Board requesting that his record be corrected to show that he was reduced in grade from LCPL (E-3) to PFC (E-2), vice to PVT (E-1). He is also requesting a change in the reenlistment code.

2. The Board, consisting of Mr. Dunn, Mr. Brezna and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 2 April 2002 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. Petitioner's application was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps on 22 August 1997 at age 21. Subsequently, he was advanced to LCPL. On 31 January 2000 he received nonjudicial punishment (NJP) for use of marijuana. The punishment imposed included restriction, extra duty, forfeitures of pay and a reduction in rank to PVT. Because of the drug use, he was processed for an administrative discharge. In connection with this processing, he elected to waive the right to have his case heard by an administrative discharge board. After review the discharge authority directed discharge under other than honorable conditions and he was so discharged on 29 March 2000. At that time, he was not

recommended for reenlistment and was assigned an RE-4B reenlistment code.

d. Attached to enclosure (1) is an advisory opinion from Headquarters Marine Corps (HQMC) which states that Petitioner was improperly reduced from LCPL to PVT because only a one pay grade reduction is authorized at an NJP. HQMC recommends that the record be corrected to show that on 31 January 2000, he was reduced from LCPL to PFC. Concerning the reenlistment code issue, the advisory opinion points out that the regulations authorized the assignment of an RE-4B reenlistment code to an individual with a record of inservice drug abuse and no potential for further service. Accordingly, HQMC recommends that the reenlistment code not be changed.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Since only a one pay grade reduction is authorized at NJP, the Board agrees with the advisory opinion that the record should be corrected to show that at the 31 January 2000 NJP, he was reduced from LCPL to PFC vice being reduced to PVT.

Concerning the reenlistment code issue, the Board notes that the RE-4B reenlistment code is authorized by regulation and is normally assigned when an individual is discharged because of drug abuse. Since Petitioner has been treated no differently than others discharged by reason of drug abuse, the Board concludes that there was no error or injustice in the assignment of the RE-4B reenlistment code.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand that he was only reduced one pay grade at the 31 January 2000 NJP.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that at the NJP of 31 January 2000 he was reduced in grade from LCPL to PFC vice the reduction to PVT now of record.

b. That this Report of Proceedings be filed in 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

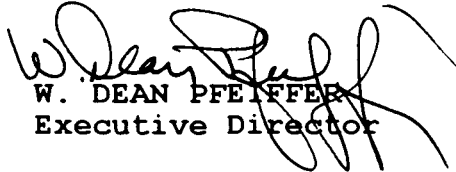
complete record of the Board's proceedings in the above entitled matter.

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