



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

TRG
Docket No: 7693-01
1 May 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) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps Reserve filed enclosure (1) with this Board requesting that his record be corrected to show a better reenlistment code than the RE-4 reenlistment code assigned on 7 July 2000.

2. The Board, consisting of Mr. McPartlin, Ms. Nofziger and Ms. Suiter, reviewed Petitioner's allegations of error and injustice on 23 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps for four years on 15 July 1996 at age 18 and then served in an excellent manner for about 45 months. During this period he was promoted to SGT (E-5), and was awarded a Good Conduct Medal, and a Navy and Marine Corps Achievement Medal. On 14 April 2000 he received nonjudicial punishment (NJP) for dereliction of duty, fleeing the scene of an altercation after being told to stay for questioning, and conduct bringing discredit upon the Armed Forces. The punishment imposed included a reduction in grade to CPL (E-4) and forfeitures of pay. On 7 June 2000 he received another NJP for obstruction of justice. The punishment imposed included a suspended reduction in grade and suspended forfeitures. The

record contains no details for any of these offenses.

d. Petitioner was released from active duty and transferred to the Marine Corps Reserve on 7 July 2002 with his service characterized as honorable. At that time he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

e. Petitioner states in his application that his problems were caused by alcohol abuse. He further states that he has overcome his drinking problem and is maintaining a 3.86 grade point average in college. He desires a change in the reenlistment code so that he can again serve in the military.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Notwithstanding Petitioner's disciplinary record the Board believes that his relatively minor misconduct is outweighed by his 45 months of excellent service, good post service adjustment and desire to serve in the military. Since it appears that Petitioner can serve well in the future, the Board concludes that no useful purpose is served by the RE-4 reenlistment code and it should now be changed to RE-1A.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's Naval record so that all future reviewers will understand the reason for the change in the reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 7 July 2000 he was assigned an RE-1A reenlistment code vice the RE-4 reenlistment code 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