



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

CRS

Docket No: 5410-06

11 July 2007

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

Subj: FORMER [REDACTED] REVIEW
OF NAVAL RECORD

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 applied to this Board requesting that his naval record be corrected by changing his reentry code issued on 29 April 2002.

2. The Board, consisting of Ms. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 27 June 2007 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 enlisted in the Marine Corps on 30 April 1998. He had no disciplinary action during his period of service and was advanced to corporal (CPL; E-4).

c. Petitioner received counseling entries for driving while intoxicated and being involved in an accident, an unauthorized absence, and not being recommended for promotion.

d. Petitioner was honorably released from active duty on 29 April 2002 and transferred to the Marine Corps Reserve. He was assigned a reentry code of RE-4.

e. Petitioner was allowed to join the Marine Corps Reserve and served in an outstanding manner. However, he was not allowed to reenlist in the Marine Corps Reserve at the expiration of his enlistment due to his RE-4 reentry code.

f. Petitioner submits numerous letters of recommendation from officers and enlisted members of his reserve unit that praise his devotion to duty.

g. In an advisory opinion dated 10 June 2006, Headquarters Marine Corps, advised that the reentry code of RE-4 is correct, and cited the aforementioned counseling entries as the basis for Petitioner's reentry code.

h. An RE-4 reentry code may be assigned if an individual's record of service does not warrant his reentry. An RE-3C reentry code is assigned when a restrictive reentry code is warranted but no other code fits the circumstances.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board concludes that the assignment of an RE-4 reenlistment code was overly severe because Petitioner had no disciplinary actions, and was advanced to CPL prior to his release from active duty in 2002. Furthermore, he did an outstanding job in the Marine Corps Reserve and should be permitted to reenlist. Accordingly, the Board believes that Petitioner's reentry code should be changed to RE-3C.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 29 April 2002, he was assigned an RE-3C reentry code.

b. That no further relief be granted.

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.

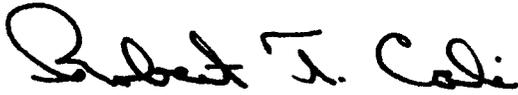
ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.


W. DEAN PFEIFFER

Reviewed and approved:



7-20-07

Robert T. Cali
Assistant General Counsel
(Manpower and Reserve Affairs)