



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

TJR  
Docket No: 5597-08  
7 August 2008

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] USMC,  
[REDACTED]

Ref: (a) 10 U.S.C. 1552  
(b) MARCORSEPMAN MCO P1900.16F

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that his reenlistment code be changed and that he be entitled to full separation pay.

2. The Board, consisting of Messrs [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 5 August 2008 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 Delayed Entry Program on 27 March 1999 at age 18. On 19 July 1999 he began a period of active duty. During his enlistment, he received two Good Conduct Medals, an Iraq Campaign Medal, the National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Sea Service Deployment Ribbon, Navy Unit Commendation, Certificate of Commendation/Unit Award, and two Letters of Appreciation.

d. Petitioner served without disciplinary incident until 14 December 2005 when he received nonjudicial punishment (NJP) for reckless endangerment, specifically, speeding in excess of 85 miles per hour. At that time he was reduce in rank to corporal/(E-4).

e. It appears that in October 2006 Petitioner was assigned to a Body Composition Program (BCP) for a period of six months. His record clearly reflects that his six month assignment to the BCP expired on 29 April 2007. At that time he was advised that since he had attained and maintained the Marine Corps' body composition standards, he would be officially removed from the BCP.

f. On 31 May 2007 Petitioner submitted a request for retention, which was subsequently disapproved due to failure to maintain Marine Corps height/weight standards for physical fitness. He also submitted a request for a decision regarding his separation pay. In this regard, it was determined that he would receive one half separation pay due to failure to maintain height/weight standards.

g. On 9 August 2007 Petitioner was honorably discharged upon completion of his required active service. At that time he was assigned an involuntary separation code of "JBK1" and an RE-3P reenlistment code.

h. In an advisory opinion (AO) from the Marine Corps Enlisted Assignment Branch (MMEA) dated 22 July 2008, it was discovered that Petitioner had erroneously received one half separation pay and was also erroneously assigned an RE-3P reenlistment code. The AO recommended that he receive the additional monies for his separation pay and that his reenlistment code be changed to RE-1B. The AO states, in part, as follows:

(Member) submitted a request for retention along with a determination for separation pay. His request for retention was disapproved because he had reached his Enlisted Career Force Controls (ECFC) for his grade. It was determined that he rated half-separation pay due to his failure to maintain height/weight standards.

At the time of discharge, he was eligible for full-separation pay due to an administrative error that was recently discovered. His initial assigned to the BCP was never removed from the Total Forces Retention System (TFRS), which was the basis for receiving half-separation pay. He was not assigned to the BCP at the time of his end of active service.

i. Reference (b) authorizes the issuance of an RE-3P reenlistment code to Marines who have completed their enlistment and/or are processed for separation because of their failure to meet the Marine Corps' physical and/or medical standards. Furthermore, in accordance with reference (b), an RE-1B reenlistment code is authorized for Marines serving in paygrade E-4/(CPL), such as Petitioner, who honorably completed their required active service and were otherwise recommended, eligible, and requested retention, but retention was denied by the Commandant Marine Corps.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board, in concurrence with the recommendation of the Marine Corps' AO, concludes that Petitioner's request warrants favorable action.

The Board notes Petitioner's disciplinary infraction and does not condone such misconduct. However, the Board's decision is based on his overall satisfactory record, awards, medals, and length of service.

The Board also notes that Petitioner's nonrecommendation for retention was based solely on an administrative error, specifically, his name was not removed from the Marine Corps' TFRS upon expiration of his initial assignment to the BCP. The Board further notes that since he had met the Marine Corps' height/weight standards at the time of his discharge, he was eligible for full separation pay. Finally, the Board notes that an RE-1B reenlistment code is authorized by regulatory guidance for a Marine who was not recommended for retention, but was otherwise recommended for reenlistment.

In accordance with the foregoing, the Board believes that Petitioner's record should be corrected. In this regard, he should receive the additional monies for his separation pay and be assigned an RE-1B reenlistment code, which is the most appropriate reenlistment code for his situation.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was assigned an RE-1B reenlistment code on 9 August 2007 vice the RE-3P reenlistment code actually assigned on that date.

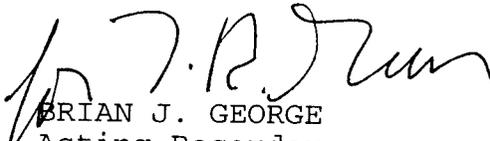
b. That Petitioner, if not previously received, be given full separation pay, and that his naval record be corrected to show that he was authorized 'full separation pay' vice the one half separation pay actually authorized on 9 August 2007.

c. 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.

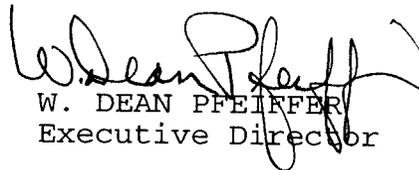
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purposes, with no cross references being made a part of Petitioner's naval record.

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

  
BRIAN J. GEORGE  
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 Regulation, 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