



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

SJN
Docket No: 08728-08
2 September 2009

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

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) OPNAVINST 1160.5C

Encl: (1) DD Form 149 with attachments
(2) Case Summary
(3) HQMC MMR/RE memo dtd 11 Jun 09
(4) 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 a change in his general characterization of service and RE-3B reenlistment code.

2. The Board, consisting of Mr. [REDACTED] Ms. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 August 2009 and, pursuant to its regulations, determined that the limited 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 6 December 1976 at age 19. During the period from 26 January to 14 November 1978, he received three nonjudicial punishments (NJP's) for disobedience, drunk and disorderly conduct, and five days of unauthorized absence.

d. Petitioner remained on active duty until 10 December 1979, when he was released under honorable conditions from active duty at the expiration of his enlistment and transferred to the Marine Corps Reserve. At that time he was assigned an RE-3B reenlistment code.

e. With his application, Petitioner states that he was never involved with drug use and his final discharge should be honorable. In this regard, his reenlistment code of RE-3B means wrongful use of drugs.

f. An advisory opinion (enclosure (3)) from Headquarters Marine Corps, states that Petitioner's record does not show any illegal use of drugs or derogatory counseling entries to explain the RE-3B reenlistment code and recommends that his reenlistment code be changed to RE-3C, which is more appropriate.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (3), the Board concludes that Petitioner's request warrants partial relief.

In this regard, the Board notes Petitioner's overall record of military service, including three years of service with three NJP's, none of which were for drug use and no derogatory entries to justify an RE-3B. The Board therefore concludes that no useful purpose is served by assignment of the most restrictive reenlistment code of RE-3B, and an RE-3C code more accurately reflects the quality of his service. With regard to Petitioner's characterization of service, the Board concludes that with three NJP's in a three year period, a general discharge accurately reflects his character of service.

In view of the above, the Board recommends the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 10 December 1978, he was issued an RE-3C reenlistment code vice the RE-3B actually issued on that date.

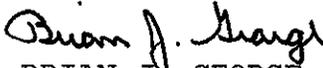
b. That a copy of this report of proceedings be filed in Petitioner's naval record.

c. That no further relief be granted.

d. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 9 September 2008.

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