



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

RDZ:ech
Docket No. 01938-11
12 July 2011

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) HQMC Code MMR memo dtd 07FEB11 w/attachments
(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 (RE-4) be changed and that his other than honorable discharge (OTH) be upgraded.

2. The Board, consisting of Messrs Exnicios, George and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 5 July 2011 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, at age 18, enlisted in the Marine Corps on 16 February 1990 for a term of four years. Unfortunately he only served a little over two years when he was administratively separated due to frequent acts of misconduct. Specifically between October 1991 and October 2001 Petitioner received three non-judicial punishments

and one summary court-martial for alcohol related offenses. In every instance he was charged with underage drinking accompanied by one episode of insubordination and another episode of disorderly conduct. As a result of his alcohol related offenses he was not recommended for reenlistment and assigned an RE-4 reenlistment code and issued an OTH.

d. In his application to the Board Petitioner has provided information showing that since his separation from the Marine Corps he has become active in Alcoholics Anonymous and has maintained sobriety throughout this period. Moreover it appears that Petitioner is a respected and law abiding member of his community.

e. Enclosure (2) is an advisory opinion from Code MMER of Headquarters Marine Corps recommending that Petitioner's reenlistment code not be changed based on his extensive disciplinary record.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner is entitled to partial relief.

With regard to Petitioner's request to change his reenlistment code the Board concurs with the conclusions and recommendation of enclosure (2) that the assignment of an RE-4 reenlistment code was more than justified by his record of misconduct and should not be changed. However as regards the characterization of Petitioner's discharge the Board believes that as a matter of clemency the interests of justice would be better served by upgrading his discharge to general under honorable conditions. The Board bases its recommendation for relief on the minor nature of his offenses and his excellent post-service conduct.

RECOMMENDATION:

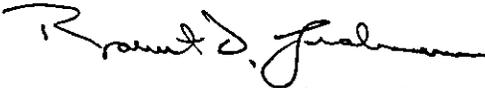
a. That Petitioner's naval record be corrected to show that on 6 March 2001 he was issued a general discharge under honorable conditions.

b. That Petitioner's request to change his RE-4 reenlistment code be denied.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

d. That upon request, the Department of Veterans' Affairs be informed that Petitioner's request was received by the Board on 7 February 2011.

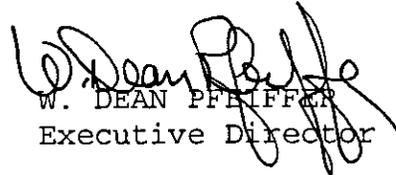
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



ROBERT D. ZSALMAN
Recorder

BRIAN J. GEORGE
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 5e of the Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6[e]), and having ensured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the provisions of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director