



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

ES  
Docket No: 7957-14  
29 July 2015

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

Subj: REVIEW NAVAL RECORD OF **5 U.S.C. 552(b) (6)** USMC,  
**5 U.S.C. 552(b)**

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

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 narrative reason for separation, separation code (SPD), and reenlistment code be changed. Enclosures (1) through (3) apply.

2. The Board, consisting of **5 U.S.C. 552(b) (6)** **5 U.S.C.** reviewed Petitioner's allegations of error and injustice on 24 June 2015, 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. 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.

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c. Petitioner enlisted in the Marine Corps, began a period of active duty on 1 July 2004, and served without disciplinary incident.

d. Petitioner's record reflects that he was counseled on nine occasions regarding his weight and/or body fat, and his participation in the Marine Corps Body Composition Program. As a result, he was recommended for an administrative separation by reason of weight control/body composition failure. In this regard, on 21 May 2008, he was erroneously discharged under honorable conditions by reason of unsatisfactory performance. At that time he was assigned a separation code "JHJ4" and an "RE-4" reenlistment code.

e. Petitioner's record contains correspondence from Headquarters Marine Corps, Manpower Management Division, Manpower and Reserve Affairs Department (MMER/RE) which verifies that Petitioner was "honorably discharged on 21 May 2008, by reason of Weight Control/Body Composition Failure," and should have been assigned an "RE-3P" reenlistment code.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief.

The Board notes that Petitioner was erroneously discharged under honorable conditions by reason of unsatisfactory performance and assigned an RE-4 reenlistment code which was contrary to the type of discharge warranted by his service record. The Board also notes that Petitioner's served without disciplinary incident and was recommended for separation due solely to his failure to meet weight control standards. In this regard, the Board concurs with the correspondence provided by HQMC MMER/RE and directs the record be corrected to reflect an honorable characterization of service by reason of Secretarial Authority with a separation code of JCRL, and the assignment of an RE-3P reenlistment code.

In view of the above, the Board directs the following corrective action.

## RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 21 May 2008, he was issued an "honorable" discharged by reason of "Secretarial Authority," with a separation code of "JCRI," and assigned an "RE-3P" reenlistment code. It is also directed that he be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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

c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 15 April 2014.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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.

5 U.S.C. 552(b) (6)

T. J. REED  
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.

5 U.S.C. 552(b) (6)

ROBERT J. O'NEILL  
Executive Director