



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

JSR
Docket No: NR10930-14
16 April 2015

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 7 Aug 14 w/attachments
(2) HQMC MIQ e-mail dtd 21 Jan 15
(3) HQMC MIQ memo dtd 9 Mar 15
(4) Subject's ltr dtd 13 Apr 15 w/enclosures

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that his naval record be corrected by revoking his reenlistment code of RE-30 (refused orders assigned without sufficient obligated service remaining). He also impliedly requested removing the service record page 11 ("Administrative Remarks (1070") entry dated 30 May 2014 and his rebuttal dated 25 June 2014 (copies at Tab A).
2. The Board, consisting of Messrs [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 April 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 which were available under existing law and regulations within the Department of the Navy.
 - b. Enclosure (1) was filed in a timely manner.

c. The contested entry states Petitioner has been assigned reenlistment eligibility code RE-30 because he would not reenlist/extend to comply with PCS (permanent change of station) orders. He contends the entry should be removed because he had been experiencing a hazardous degenerative medical issue (he received an anterior cervical dissection and fusion with partial corpectomy and had three vertebrae removed and replaced from his neck); and relocating to fulfill orders when he had 15 months on contract "would have cost the Marine Corps time, money, and cost the arriving unit a qualified aircrewman."

d. Enclosure (2) reflects that the Marine Corps Total Force System currently shows Petitioner's reenlistment code as RE-1A (recommended and eligible for reenlistment).

e. In enclosure (3), the Headquarters Marine Corps office with cognizance over the subject matter of Petitioner's case has commented to the effect his request should be denied, as he has not met his burden to demonstrate that the contested entry is unjust or in error.

f. In enclosure (4), Petitioner contends that his having been assigned the RE-1A reenlistment code justifies removing the contested entry concerning the RE-30 code.

g. The page 11 on which the contested entry appears also includes uncontested entries.

CONCLUSION:

Upon review and consideration of all the evidence of record, and notwithstanding enclosure (3), the Board finds an injustice warranting removal of the page 11 entry at issue. In this connection, the Board concludes that since Petitioner no longer has the RE-30 reenlistment code, the entry no longer serves a legitimate purpose, but is merely unfairly punitive. In view of the foregoing, the Board recommends the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entry dated 30 May 2014 and his rebuttal dated 25 June 2014. This is to be accomplished by reconstructing the page 11 on which the entry appears and physically removing the rebuttal, or completely obliterating the entry and rebuttal so they cannot be read, rather than merely lining through them.

b. 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 be added to the record in the future.

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.



JONATHAN S. RUSKIN
Recorder

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



ROBERT J. O'NEILL

Reviewed and approved:



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