



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

SJN

Docket No: 2971-14

11 December 2014

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

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 officer of the Marine Corps, filed enclosure (1) with this Board requesting, in effect, that the "RE-3P" (failure to meet physical/medical standards) reentry code on his Certificate of Release or Discharge from the Active Duty (DD Form 214) be changed to RE-1A (recommended and eligible for reenlistment).

2. The Board, consisting of Mr. Hedrick, Mr. Sproul and Ms. Polk, reviewed Petitioner's allegations of error and injustice on 18 November 2014 and, pursuant to its regulations, determined that the partial 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. On 6 January 2006, Petitioner was the subject of a Board of Inquiry (BOI) for violations of the Uniform Code of Military Justice. Specifically, larceny, stealing one set of desert utilities from another officer and conduct unbecoming an officer

by encouraging another officer to lie regarding the missing utilities. Subsequently, the BOI recommended that he be separated with an other than honorable (OTH) discharge. On 27 October 2006, the separation authority concurred and directed an OTH discharge by reason of unacceptable conduct. He was so discharged on 30 November 2006. At that time, he was assigned "NA" as a reentry code.

d. On 17 September 2010, the Naval Discharge Review Board (NDRB) changed his characterization of service to "HONORABLE", narrative reason for separation to "SECRETARIAL AUTHORITY" and reentry code to "RE-3P." In this regard, the assigned reentry code of RE-3P means he was discharged due to failure to meet physical (medical) standards, which is not supported by his record. Furthermore, Navy regulations state that officers and midshipmen are not assigned reentry codes, and to enter "NA" in block 27 of the DD Form 214 upon being released or discharged from active duty.

CONCLUSION:

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

The Board concludes that relief in the form of his assigned RE-3P reentry code be changed to read "NA." In view of the above, the Board directs the following partial corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show "NA" vice "RE-3P" in block 27 of his DD Form 214. It is also directed that he be issued a new DD Form 214.

b. That no further relief be granted.

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 application was received by the Board on 31 December 2013.

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.


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.


ROBERT J. O'NEILL
Executive director