



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

BJG
Docket No: 3174-14
19 November 2014

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

Subj: [REDACTED], USNR, [REDACTED];
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 3 Jan 14 w/attachments

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, to change his reentry code of RE-4 (not recommended for retention), which was issued on 19 August 2008.

2. The Board, consisting of Messrs. Bey and Koman and Ms. Countryman, reviewed allegations of error and injustice on 19 November 2014, and pursuant to its regulations, determined that relief should be granted. 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. Petitioner originally enlisted in the Marine Corps Reserve and entered a period of active duty on 31 October 2005. He was released from active duty on 30 March 2006 at the completion of his Initial Active Duty for Training. On 3 December 2007, he enlisted in the Navy Reserve. On 7 December 2007, he was counselled regarding being in a Class III (non-deployable) dental status and warned that unless he corrected his dental issues, he was subject to administrative separation. He was not the subject of any disciplinary action. He failed to

correct his dental issues. He was then recommended for administrative separation due to unsatisfactory participation. On 27 August 2008, he was discharged with a general characterization of service due to unsatisfactory participation and assigned an RE-4 reentry code.

c. On 12 December 2012, the Naval Discharge Review Board (NDRB) upgraded Petitioner's characterization of service to honorable and changed his narrative reason for separation to Secretarial Authority. The NDRB made these changes based on the fact that he was not the subject of any disciplinary action, but was merely in a Class III dental status.

d. Petitioner could have been assigned a waivable RE-3G (condition, not a disability, interfering with performance of duty) reentry code.

CONCLUSION:

Upon review and consideration of all the evidence of record, and particularly in light of NDRB's changes, the Board finds the existence of an injustice warranting a change of Petitioner's reentry code. The Board believes an RE-4 reentry code is not appropriate in this case due to his exemplary service record. The Board believes the RE-3G reentry code would have been the appropriate code in this case. 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 27 August 2008, he was issued an RE-3G reentry code vice the RE-4 now of record.

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 or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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.



TJ 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 Regulations, 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