



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

[REDACTED]
Docket No. 3468-16

FEB 12 2017

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

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

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

Encl: (1) DD Form 149 w/attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting that his RE-4 (not recommended for retention) reenlistment code be changed. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 November 2016 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 your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits.

c. Petitioner enlisted in the Marine Corps on 26 October 2009.

d. On 16 February 2012, he received counseling and warning regarding deficiencies of Violation of the Uniform Code of Military Justice (UCMJ), Article 92 (failure to obey a lawful order - re: hazing incident), and warned about pending adverse administrative action. He refused to sign after speaking with an attorney. Subsequently, he was notified of administrative discharge processing. Petitioner consulted with counsel and elected to appear before an administrative discharge board (ADB). Both the ADB and his Commanding Officer recommended a General (Under Honorable Conditions) discharge (GEN) by reason of misconduct and commission of a serious offense, and a reenlistment code of RE-4. On

1 June 2012, the discharge authority approved the recommendation and he was discharged on 15 June 2012 with a GEN characterization of service.

e. On 4 February 2013, Petitioner submitted an application to Naval Discharge Review Board (NDRB) requesting to change his characterization of service and his narrative reason for separation. On 5 December 2013, the NDRB upgraded his characterization of service to honorable and his narrative reason for separation to Secretarial Authority.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. In this regard, the Board notes Petitioner's overall record of military service as evidenced in his service record, that relief in the form of his reenlistment code be changed to "RE-1." In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. That Petitioner's naval record be corrected to show that he received an RE-1 reenlistment code on 15 June 2012.

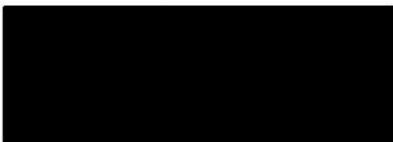
b. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 19 April 2016.

c. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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


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.


Executive Director