



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

[REDACTED]
Docket No: 7587-16
SEP 26 2017

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED] USMC, XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 (NR20160007587)
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner, a former private first class in the Marine Corps, filed enclosure (1) with this Board requesting correction to his Certificate of Release or Discharge from Active Duty (DD 214) to reflect a change to his reentry (RE) code from RE-3C to RE-1A.

2. The Board, consisting of Members [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 June 2017 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 review the application on its merits.

c. Petitioner enlisted in the Marine Corps and was discharged in January 2004, with an uncharacterized discharge due to defective enlistment because of a tear in his right knee. Petitioner reenlisted in the Marine Corps on 21 January 2007 and served honorably until his discharge on 5 February 2011, when he completed his enlisted active duty service obligation.

d. Petitioner completed his enlistment with final average markings of 4.3/4.1.

e. Marine Corps Order 1900.16 states that an RE-3C can be assigned when directed by the Commandant of the Marine Corps, or when the Marine is not eligible and the disqualifying

factor is not covered by any other code. MCO 1900.16 requires that a Service Record Book (SRB) entry be made and that the SRB entry states the reason for assignment. MCO 1900.16 further states that the individual Marine must sign the SRB entry. Petitioner's service record does not reflect a signed SRB entry that indicates why the RE-3C was assigned when Petitioner was discharged on 5 February 2011.

f. The Board, in its review of Petitioner's service record and application, carefully weighed all factors and determined that the assignment of the RE-3C did not comply with the requirements of MCO 1900.16 in that a signed SRB entry was not made in Petitioner's record. In consideration of Petitioner's honorable service, his completion of his active duty obligation, and his performance record, the Board concluded that a change to Petitioner's RE-3C to RE-1A was warranted.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the information in Petitioner's service record, Petitioner is entitled to a change to the RE-3C reflected on his DD 214; specifically Petitioner's DD 214 should be changed to reflect an RE-1A.

Furthermore, in view of the above, the Board directs the following corrective action.


RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was discharged with an honorable characterization of service on 5 February 2011, and that he was assigned an RE-1A upon discharge. That Petitioner be issued a DD 215 reflecting a change to block 27 of his original DD 214, to reflect an RE-1A vice and RE-3C.


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 23 August 2016.

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.


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.


Executive Director