



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

█
DocketNo.640-21
Ref: Signature
Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER █
XXX XX █ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1900.16 w/ CH 2
(c) MCO 1040.31

Encl: (1) DD Form 149 w/attachments
(2) HQMC memo 5420 MMEA of 11 Mar 21
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to establish eligibility to receive full Involuntary Separation Pay (ISP) and Reentry Code of "RE-1A" vice "RE-3C."

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 20 October 2021 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, relevant portions of Petitioner's naval record, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), full ISP is authorized to Marines who are involuntarily separated from active duty, meet the specified criterions listed and enter into a written agreement to obligate an additional 3-years in the Individual Ready Reserve (IRR). Additionally, with regards to the additional IRR obligation, a Marine who enters into this written agreement and who is not qualified for appointment or enlistment in the IRR need not be enlisted to be considered to have met this condition of eligibility for separations pay.

b. In accordance with reference (c), only the Commandant of the Marine Corps (CMC), Manpower Management Enlisted Assignments Branch (MMEA) will assign a reenlistment code to each Marine who is denied further service. Additionally, the policy states a reenlistment code of RE-1A (recommended and eligible) is for Marines who meet all prerequisites and places no restriction on reenlistment. When directed by CMC or when not eligible and disqualifying factor is not covered by any other code, a RE-3C will be assigned. A service record entry is required for an assignment of RE-3C stating the reason for assignment. Furthermore, CMC authority is required for reenlistment for a Marine assigned a RE-3C.

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- c. Petitioner began active duty service in the U.S. Marine Corps on 25 April 2011.
- d. On 12 January 2016, Petitioner reenlisted for a term of 4-years.
- e. Petitioner was the subject of a Non-Judicial Punishment on 15 June 2017 for violations of Article 92 (Failure to Obey Order or Regulation) and Article 128 (Assault) of the Uniform Code of Military Justice.
- f. On 13 December 2018, Petitioner signed NAVMC 321A, Agreement to Extend Enlistment for a term of 5-months for the purpose of having “sufficient obligated service to PCS to [REDACTED]”
- g. Petitioner submitted a request for reenlistment or lateral move (RELM) on 18 November 2019, requesting to reenlist for 4-years.
- h. On 4 March 2020, CMC (MMEA) disapproved Petitioner’s RELM on the basis of “SNM has failed to demonstrated the high standards of leadership, professional competence, and personal behavior required to maintain the prestige and quality standards of the Marine Corps. SNM has been authorized payment of half separation pay per MCO 1900.16. This headquarters (MMEA) has assigned SNM a reenlistment eligibility code of RE-3C...The requirement to reenlist for a period of 36 months in the Ready Reserve prior to payment of separation pay is waived...IPAC will run SPD code of JGH5.”
- i. On 5 June 2020, Petitioner signed NAVMC 321A, Agreement to Extend Enlistment for a term of 2-months for the purpose of “extend for period of 2 months to support COVID-19 transition requirements.”
- j. On 11 August 2020, Petitioner discharged with 9-years, 3-months and 17-days of active duty service, received Separation Code of “JGH5” and Reentry Code of “RE-3C.”
- k. On 14 December 2020, Petitioner’s Commanding Officer issued him a Page 11 counseling entry on being assigned the reenlistment code of RE-3C. Because the Page 11 counseling was issued subsequent to Petitioner’s discharge date, he was unavailable to sign it.
- l. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner’s application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. Petitioner met the eligibility to receive full ISP in accordance with reference (b); however, because of administrative oversight, Petitioner was approved for half ISP. Although the proper administrative requirements were not completed, the Board felt that under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner’s DD Form 214, Certificate of Release or Discharge from Active Duty dated

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11 August 2020 is amended to reflect Block 26 (Separation Code) "JBK1" vice "JGH5"; and Block 28 (Narrative Reason for Separation) "Completion of Required Active Service" vice "Non-Retention on Active Duty." Note: CMC shall determine ISP amount and adjust Block 18 (Remarks) accordingly.

Petitioner was authorized payment of "Full" vice "Half" ISP based on his discharge which occurred on 11 August 2020. Note: Defense Finance and Accounting Service will audit Petitioner's records and determine the retroactive entitlement.

The part of the request for corrective action that exceeds the foregoing is denied. In accordance with reference (c), Petitioner did not meet the criteria for an "RE-1A" Reentry Code.

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

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.

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

11/24/2021

[REDACTED]
Deputy Director
[REDACTED]