



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

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Docket No: 3097-21
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 28 December 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations, and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, as well as the 17 June 2021 advisory opinion furnished by the Marine Corps Military Personnel Law Branch (JPL), and your response.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps and commenced a period of active duty on 15 October 2012. On 17 April 2017 you were honorably discharged with an RE-3C reentry code after being advised that your command did not recommend that you be permitted to reenlist due to your non-deployable status.

The Board carefully considered your request for reinstatement to active duty in the grade Sergeant (Sgt/E-5) effective 17 April 2017 and back pay and allowances. Alternatively, you request to upgrade your Characterization of Service to Honorable and to change your Narrative Reason for Separation, Separation Code, and Reentry Code to reflect "Secretarial Authority".

The Board considered your contentions that you were improperly denied reenlistment, your command took exception with your personal and family issues, the denial of your reenlistment was based on your alleged inability to deploy and because you lacked a family care plan. You also contend that there is no evidence that you actually lacked a family care plan. You further contend that the Marine Corps improperly assigned reentry code RE-3C, according to publicly-available information, RE-3C designates “Reenlistment authorized by CMC only. Ineligible for enlistment, unless waiver is granted. Conscientious Objector.” You claim that the Commanding Officer (CO), █ Marine Expeditionary Unit (MEU) initially recommended you for reenlistment and his endorsement indicated that you were world-wide deployable and had a satisfactory family care plan in place. You argue that your child’s enrollment in the Exceptional Family Member Program (EFMP) did not automatically make you non-deployable. You suspect that your chain of command improperly considered accusations of crimes during 2016, since you were found not guilty of all allegations it was unfair, unjust, and inequitable for the command to negatively endorse your reenlistment package. You also suspect that your CO improperly influenced members of the command who were opposed to your reenlistment. As evidence, you furnished reenlistment documents.

The Board, however, substantially concurred with the AO that your reenlistment request was submitted correctly and your record should remain unchanged. In this regard, the Board noted the endorsements to your reenlistment request and that Headquarters Marine Corps (MMEA-6) denied your request for reenlistment on 1 January 2017 for failing to demonstrate the high standards of leadership, performance, professional competence, and personal behavior required to maintain the prestige and quality standards of the Marine Corps. The Board also noted that your subsequent request for reenlistment was denied by MMEA-6 because of keen competition and limited available space due to Fiscal Year 2017 End Strength Constraints. The Board noted, too, that according to the Marine Corps Enlisted Retention and Career Development Program, MMEA-6 must review and approve all reenlistments, even those that received a “not recommended for reenlistment” endorsement and CO’s must consider a Marine’s conduct, performance, and future potential when making their recommendation. The Board determined that your CO acted within this discretionary authority when determining that you were not recommended for reenlistment and the final decision regarding your reenlistment was determined by MMEA-6. The Board found no evidence that your reenlistment request was improperly denied and you provided none.

Concerning your reentry code, the Board noted that your reentry code is not an error in your official military personnel file. The Board also noted that your RE-3C reentry code is not restricted to conscientious objectors, does not prohibit reenlistment, but does require that a waiver be obtained. Moreover, recruiting personnel are responsible for determining whether you meet the standards for reenlistment, and whether or not a request for a waiver of your reentry code is feasible. The Board determined that you were assigned the most appropriate reentry code, and that changing your reentry code to RE-1A is not appropriate because you did not meet generally acceptable standards for reenlistment, without a waiver.

Concerning your request to upgrade your Characterization of Service to Honorable and to change your Narrative Reason for Separation, Separation Code, and Reentry Code to reflect “Secretarial Authority,” the Board determined that your request is misguided. In this regard, the Board noted

that your DD 214 already documents your Characterization of Service as Honorable, and your Narrative Reason for Separation, Separation Code and Reentry Code are indicated correctly on your DD 214. Moreover, the guidance provided by the Under Secretary of Defense as it relates to "Secretarial Authority" was issued to ensure Military Discharge Review Boards and Boards for Correction of Military/Naval Records understand that relief may be appropriate for some misconduct associated with mental health conditions, including Post Traumatic Stress Disorder, Traumatic Brain Injury, or behaviors commonly associated with sexual assault or sexual harassment. These issues are not applicable in your case, accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

1/19/2022

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Executive Director
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