



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

[REDACTED]
Docket No: 7318-22

Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. §1552
(b) SECDEF memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 w/attachments
(2) Case summary

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 by changing his reenlistment code for his first period of active service to RE-1.
2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 9 November 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, and reference (b), the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).
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 began his initial period of active service on 2 December 1996. Petitioner went on a period of unauthorized absence from 12 May 1997 to

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15 May 1997. On 20 September 2000, Petitioner received non-judicial punishment (NJP) for two specifications of violating article 92-disobeying a direct order. On 5 December 2000, Petitioner was discharged with an Honorable character of service upon the completion of his active service and issued a RE-4 reentry code.

d. Petitioner entered inactive duty on 5 December 2000. He was involuntarily mobilized and order to report to active duty on 24 March 2003. Petitioner was notified of the initiation of administrative separation proceedings on 23 June 2003. Petitioner waived his procedural rights, by his failure to elect. Petitioner's commanding officer recommended Petitioner's separation with an Other Than Honorable (OTH) character of service by reason of unsatisfactory participation. The separation authority concurred with the commanding officer's recommendation. Petitioner was discharged, on 5 May 2004, with an OTH character of service by reason of unsatisfactory participation, and issued a RE-4 reentry code.

f. Petitioner believes the RE-4 reentry code he received for his first period of active service is erroneous. He requests this error to be correct to help him in securing future employment

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board determined that there exists an error which requires relief. Specifically, the Board concluded Petitioner should have been issued a RE-1A reentry code upon completing his first period of active service. In making this finding, the Board relied upon Petitioner post-discharge Reserve service that included a mobilization order. In the Board's opinion, this documents the fact Petitioner was deemed eligible for continued military service including reenlistment upon his initial release from active duty on 5 December 2000.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) indicating, for the period ending 5 December 2000, he received a RE-1A reentry code.

No additional changed to his record are required.

That a copy of this report of proceedings 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.

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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.

12/7/2022

[REDACTED]
Executive Director

Signed by [REDACTED]