



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

██████████
Docket No. 8600-22
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 with 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 his record be corrected to change his reentry code to allow reenlistment. Enclosure (2) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 8 February 2023, and, pursuant to its regulations, determined 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 his naval service records, and applicable statutes, regulations, 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 on 30 October 2015. Petitioner completed a period of active service for Initial Active Duty for Training (IADT) from 7 December 2015 to 14 July 2016. Petitioner's final mark in proficiency was 4.8, and his final mark in conduct was 4.8. Petitioner's service record reflects he was issued a RE-4 reentry code

d. Petitioner's service record does not contain a Certificate of Release or Discharge from Active Duty (DD Form 214) for his active service from 7 December 2015 to 14 July 2016. Additionally, Petitioner's service record does not indicate the character of service he was issued.

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CONCLUSION:

Upon review and consideration of all the evidence of record, the Board determined that Petitioner's request warrants favorable action. The Board noted Petitioner's service record is incomplete, in that it does not contain all of the documents pertinent to Petitioner's discharge from active duty following his completion of IADT. Whenever official records are incomplete or unavailable, unless there is substantial credible evidence to rebut the presumption, the Board can presume a regularity in the conduct of the government affairs. However, the Board found that Petitioner's record does not support a reentry code of RE-4. The Board noted Petitioner's record does not contain any indication of misconduct. Additionally, the available record reflects Petitioner was assigned a separation code of MBK upon the completion of his active service, and he maintained sufficient proficiency and conduct marks to receive an honorable character of service. This led the Board to presume Petitioner's reentry code should be corrected align with his service record. In this regard, the Board concluded Petitioner's record should reflect that he received a code of RE-1A, and Petitioner be issued an Honorable character of service.

Accordingly, the Board voted unanimously to provide relief and to correct the administrative errors.

RECOMMENDATION:

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

Petitioner be issued a DD Form 214 which reflects, for the period ending 14 July 2016, Petitioner received an Honorable character of service and a RE-1A reentry code. All other entries for the DD Form 214 shall be consistent with his entries in his service record.

No further changes be made to Petitioner's record.

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.

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.

2/26/2023

[REDACTED]
Executive Director

Signed by: [REDACTED]