



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

█
Docket No. 9523-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █
█ USMC

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF 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 (Wilkie Memo)

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 that his naval record be corrected to change his RE-4 reenlistment code to one that would allow him to reenlist.

2. The Board, consisting of █, and █, reviewed Petitioner's allegations of error and injustice on 30 January 2023, 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 to included reference (b).

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 interests of justice to review the application on its merits.

c. The Petitioner enlisted in the Marine Corps and began an initial period of active service on 27 July 1977. Petitioner had several periods of Honorable service.

d. On 5 January 1990, Petitioner received a negative evaluation for the reporting period of (890701 to 900105). It was noted that Petitioner was "inflexible and had trouble understanding how the civilian workforce interfaces with USMC." Petitioner submitted a rebuttal statement on

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

24 January 1990, arguing that he never received formal Page 11 counseling on the noted deficiencies and highlighted that he received favorable comments from the civilians he worked with. Petitioner asserted that the negative evaluation was reprisal for him having requested mast a few months prior.

e. On 18 May 1990, Petitioner received a negative evaluation for the reporting period of (900105 to 900518). It was noted that Petitioner was “not always willing to accept responsibility for his section, difficulty working with others, paranoid about his position with respect to his career.” Petitioner submitted a rebuttal statement arguing that the information contained in the report was incorrect. He asserted that discrimination by his Supply Officer led to his “unfitness” after 14 years of service.

f. On 18 September 1990, Petitioner was given formal Page 11 Administrative Counseling, noting “poor leadership and poor performance of duties.” On 30 August 1990, Petitioner submitted a rebuttal arguing that the counseling was issued in retaliation for requesting mast in late 1989. He asserts that since reassignment to Supply, I was criticized, assigned blame, and on the defensive, with the deck stacked against him and subordinates not respecting his position.

g. On 3 December 1990, the Commandant of the Marine Corps (CMC) issued a memo to Headquarters Marine Corps (HQMC), directing the assignment of a “RE-3C” reenlistment code for the performance record in the Petitioner’s case.

h. On 15 January 1991, Petitioner received a negative evaluation for the reporting period of (900906 to 910115). It was noted that Petitioner was “[a]n unsatisfactory SNCO. Reassigned due to poor performance and behavior. Counseled. Lacks ability to work on a professional or personal level.”

i. On 3 January 1991, Petitioner was discharged at the end of his obligated service with an Honorable characterization of service and assigned an RE-4 reenlistment code.

j. Petitioner contends that his reenlistment code (RE-4) was issued in error and is not supported by the record. Petitioner highlights that the CMC ordered the assignment of a “RE-3C” (eligible for reenlistment) on 3 December 1990, but that the command entered a “RE-4” (ineligible for re-enlistment) on the DD 214. Petitioner argues that his “chain-of-command (white males) inflicted discrimination, retaliation and harassment against me because of my National Origin, race, color, and sex ...in response to my refusal to sign an inventory sheet ... and because I stated that I would have to inform the Inspector General about the missing gear.”

CONCLUSION:

Upon review consideration of all the evidence of record, the Board concluded that Petitioner’s request warrants relief. After thorough review of the record, the Board concurred that the RE-4 reenlistment code was issued on the DD 214 in error and in contradiction to the direction of the CMC. The record shows that on 3 December 1990, CMC Washington DC issued

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

a memo to HQBN HQMC, with the subject line "Subj: REENL C/O [REDACTED]" which directed "ASG REENL CODE RE-3C FOR PERFORMANCE RECORD." No subsequent order was released amending that reenlistment code assignment. After identifying the error, the Board concluded that relief is warranted.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

That Petitioner be issued a Correction to Certificate of Release or Discharge from Active Duty DD Form 214 (DD Form 215) that shows that on 3 January 1991, Petitioner was separated with a "RE-3C" reenlistment code.

That no further changes be made to the record.

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.

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

2/12/2023

[REDACTED]

Executive Director

[REDACTED]