



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

BC
Docket No: 00685-14
25 September 2014

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

Subj:

Ref: (a) 10 U.S.C. 1552
(b) SECNAVINST 1910.4B

Encl: (1) DD Form 149 with attachments
(2) HQMC MMSR-2 memo dtd 24Apr12
(3) HQMC MIQ memo dtd 23Jun14
(4) HQMC MMEA memo dtd 28Jul14
(5) Case summary
(6) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps Reserve, filed enclosure (1) with this Board requesting, in effect, that his characterization of service (general) be upgraded to honorable, that his RE-4 (not recommended for retention) reentry code be upgraded, and the removal of six page 11's (Administrative Remarks NAMVC 118(11)) from his record.

2. The Board, consisting of _____, _____, and _____, reviewed Petitioner's allegations of error and injustice on 24 September 2014, and, pursuant to its regulations, determined that the partial corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, 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 finds as follows:

a. Petitioner reenlisted in the Marine Corps Reserve on 5 January 2010. He was convicted by a summary court-martial (SCM)

of conspiring to commit larceny of military property valued at \$8,252, conspiring to commit larceny with a fellow Marine, failure to obey a lawful general regulation, theft of military property valued at \$8,252 and wrongfully soliciting a fellow Marine. His sentence is not documented in his record, but he was authorized to complete his enlistment. He received six page 11 counseling entries in light of his SCM conviction in which he was not recommended for promotion. He received a general characterization of service upon his release from active duty with an RE-4 reentry code on 13 April 2012, upon his transfer to the Marine Corps Reserve.

b. Enclosure (2) is an advisory opinion from the Headquarters Marine Corps (HQMC) Separation and Retirement Branch (MMSR-2) recommending that Petitioner's general characterization of service be changed to honorable because his proficiency/conduct mark averages were sufficiently high.

c. Enclosure (3) is an advisory opinion from the HQMC Manpower Information Assurance, Manpower Information System Division (MIQ) commenting to the effect that Petitioner's request to remove all six page 11 entries has merit because they are not procedurally correct.

d. Enclosure (4) is an advisory opinion from the HQMC Enlisted Assignment Branch (MMEA) recommending that Petitioner's RE-4 reentry code not be changed because his SCM conviction makes him ineligible for reenlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action.

The Board concludes that based upon his overall record of service and the favorable advisory opinion from MMSR-2, that partial relief in the form of upgrading his general discharge to honorable is warranted. The Board further concludes that based on the favorable recommendation from MIQ, that all six page 11 entries be removed. However, the Board agrees with the unfavorable recommendation from MMEA that in light of his SCM conviction, his RE-4 reentry code should not be changed. In view of the above, the Board directs the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he received an honorable discharge on 13 April 2012.

b. That Petitioner's naval record be further corrected by removing six page 11 entries in which he received counseling and was not recommended for promotion dated 1 July 2010, 15 September 2010, 15 December 2010, 15 March 2011, 15 June 2011 and one undated, from his record.

c. That no further relief be granted.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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.



BRIAN J. GEORGE
Recorder

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.



ROBERT J. O'NEILL
Executive Director