



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

Docket No: 6522-16
DEC 01 2017

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] USMC,
XXX-XX [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Marine Corps, filed enclosure (1) with this Board requesting a change in his RE-4 (Ineligible for reenlistment) reentry code which was issued on 18 November 1977 and correction of the type overs of his social security number (SSN) and date of discharge on the Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 August 2017 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. 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 waive the statute of limitations and review the application on its merits.

c. Petitioner's records reflect that on 4 October 1972, he began a period of active duty. He served for a year and 10 months without disciplinary incident, but on 14 August 1974, he was convicted by summary court-martial (SCM) of two periods of unauthorized absence (UA) from his unit totaling 410 days. On 8 March 1977, he signed an administrative counseling which stated in part that he had been placed on probation for reenlistment purposes due to the SCM. On 17 November 1977, he was counseled and advised that he had been given an RE-4

Subj: REVIEW NAVAL RECORD OF [REDACTED] USMC,
XXX-XX-[REDACTED]

reenlistment code due to the SCM and that he had not been recommended for reenlistment. On 18 November 1977, he was honorably released from active duty and assigned an RE-4 (not recommended for retention) reenlistment code. However, Blocks 3 and 9d on his Certificate of Release or Discharge from Active Duty, (DD Form 214) have typing errors and/or pen and ink changes that should be corrected.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that the record supports the assignment of the RE-4 reentry code, Petitioner was not eligible nor was he recommended for reenlistment. The Board noted that the Petitioner's records show his SSN as [REDACTED] and the date of discharge of 18 November 1977. In this regard, the Board concluded that the DD Form 214 should be corrected.

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

RECOMMENDATION:

That Petitioner's shall be issued a new DD Form 214 that reflects his SSN [REDACTED] and date of discharge as 18 November 1977.

That a copy of this Record of Proceedings be filed in Petitioner's naval record.

That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 26 July 2016.

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.

[REDACTED]
Recorder

Subj: REVIEW NAVAL RECORD OF [REDACTED] USMC,
XXX-XX [REDACTED]

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.

[REDACTED]
Executive Director