



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

[REDACTED]
Docket No: 4965-17
DEC 07 2017

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
XXX-XX [REDACTED] 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), Petitioner, a former Marine, filed enclosure (1) with this Board requesting that his Certificate of Release or Discharge from Active Duty (DD Form 214) be corrected to change his current RE-3F to a RE-1B. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 September 2017 and, pursuant to its regulations, determined that 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 Petitioner's 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 23 June 2014. While serving in the Delayed Entry Program (DEP), Petitioner was arrested for stealing \$37 worth of merchandise from Wal-Mart. He was released to his parents and charges were waived because he was joining the Marine Corps. Petitioner did not disclose the arrest while in DEP but eventually disclosed it at the Moment of Truth. After reviewing the enlistment criteria, it was determined Petitioner was not retainable. After being afforded all of his procedural rights, the commanding general recommended he receive an entry level separation (ELS) due to fraudulent entry. The separation authority approved this recommendation and directed an ELS due to fraudulent entry. The Petitioner was discharged on 18 July 2014. At that time, he was assigned

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a RE-3F (Failure to complete recruit training) reentry code.
CONCLUSION:

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

The Board notes the assigned reentry code, RE-3F, is a waivable reentry code and votes to deny Petitioner's request to upgrade the reentry code to RE-1B. Because the Petitioner ultimately disclosed the incident upon arrival to training, the Board concludes Petitioner's "fraudulent entry" narrative reason is unjust and should be changed to "secretarial authority".

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

RECOMMENDATION:

That Petitioner's naval record be corrected to show that on 18 July 2014, his narrative reason for separation was "secretarial authority," the separation authority was "MILPERSMAN 1910-164," and his separation code was "JFF".

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

A copy of this report of proceedings be filed in Petitioner's naval record.

Upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 31 May 2017.

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.

[REDACTED]
Recorder

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XXX-XX [REDACTED] USMC

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