



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

[REDACTED]
Docket No. 8432-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 295/22, 15 Jun 22

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by HQMC memo 5420 MMEA, 25 Oct 23
(3) Subject's naval record

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 show Petitioner was eligible for and received \$8,000 for the early re-enlistment incentive that was part of his 2022 re-enlistment package.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 April 2024 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 record, and applicable statutes, regulations, and policies.
3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:
 - a. On 10 June 2019, Petitioner entered active duty for 4 years with an End of Current Contract (ECC) of 9 June 2023.
 - b. On 1 October 2021, Petitioner was promoted to Corporal/E-4.
 - c. On 15 September 2022, Petitioner signed a Reenlistment Extension Lateral Move Request (NAVMC 11537) for a 48-month reenlistment. Petitioner's request was certified by Petitioner's Career Planner and was approved by cognizant authority on 12 October 2022.
 - d. On 21 October 2022, Petitioner's First Term Active-Duty Reenlistment request was submitted and approved by Headquarters, U.S. Marine Corps (HQMC) on 9 November 2022.
 - e. On 16 November 2022, Petitioner reenlisted for 4 years and 7 months with an ECC of 15 June 2027.

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[REDACTED]

f. On 28 June 2023, Commanding Officer, [REDACTED] Battalion notified [REDACTED] that, “[t]his appoints you, in accordance with chapter II of JAGINST 5800.7G, Chapter II (JAGMAN), to inquire into the facts and circumstances surrounding [REDACTED]’ reenlistment package. The scope of the investigation should focus on whether Corporal Flowers submitted his package in a timely manner, or if the Career Planner, [REDACTED] forged submission dates that would have resulted in [REDACTED] losing a reenlistment incentive.”

g. On 5 July 2023, [REDACTED] notified Commanding Officer, [REDACTED] Battalion that “[t]his report is a completion of the preliminary inquiry conducted in accordance with Investigating Officer Appointment letter, dated 28 June 2023 into the facts and circumstances surrounding [REDACTED]’ reenlistment package.”

[REDACTED] stated in his interview, enclosure (4), that he began working on his reenlistment package in July and August of 2022 and completed it prior to taking leave from 24 August to 1 September 2022, verified in Unit Management Status Report, [REDACTED]. In interviews, his platoon leadership, [REDACTED] and [REDACTED] as well as his battery leadership, [REDACTED] and [REDACTED] each remembered signing his reenlistment package with positive recommendations well before the 30 September deadline, however they were unable to provide with specificity when they had signed it.”

“Page four of NAVMC 11537, Reenlistment Extension Lateral Move Request contains the signatures of [REDACTED] platoon and battery leadership. The dates read “20220927” for [REDACTED] [REDACTED] and [REDACTED] and “20220929” for [REDACTED]. At this time, however, [REDACTED] was in [REDACTED] while the other three were in [REDACTED] for Weapons and Tactics Instructor Course [REDACTED] executing the Table 2 machine gun range, per enclosures (11-14). No email traffic exists to suggest that a scanned copy of the reenlistment package was signed and emailed between the battery leadership, which negates any possibility of [REDACTED]’ reenlistment package being signed in two different states on the same day.”

“It is my opinion based on the statements of [REDACTED], his chain of command, and examination of NAVMC 11537 that [REDACTED] falsified official documents and forged signature dates on the reenlistment package for [REDACTED]. His chain of command could not have signed the package in accordance with the dates on the package submitted to Headquarters Marine Corps.”

h. On 1 August 2023, Petitioner was promoted to Sergeant/E-5.

i. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner’s application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that on 21 October 2022, Petitioner submitted for a 48-month reenlistment to

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HQMC for Primary Military Occupational Specialties 7212 as a Corporal. The reenlistment was approved on 9 November 2022 without the early reenlistment kicker, as his application was submitted past the deadline. Petitioner argues that he submitted his application to his career planner before 24 August 2022. A local command investigation substantiated allegations that Petitioner's application for reenlistment was improperly tampered with. The investigation found that Petitioner's Career Planner fraudulently altered dates in the application to reflect a submission timeline of late September 2022 to justify the 21 October 2022 submission to HQMC. The Board determined that is reasonable to assume that Petitioner submitted his reenlistment request before the 30 September 2022 deadline and was unjustly denied the Early Reenlistment Kicker.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's First Term Active-Duty Reenlistment request was submitted on 30 September 2022 vice 21 October 2022, and approved by HQMC on 9 November 2022.

Note: This change will entitle the member to a Zone "A" Selective Retention Bonus (SRB) for MOS 7212, E-4, which is capped at \$17,500 for 48 months of additional obligated service. Remaining obligated service to 9 June 2023 will be deducted from SRB computation. Furthermore, Petitioner is entitled to an \$8,000 FY23 Cohort In-Year Early Reenlistment Kicker.

Note: The Board for Correction of Naval Records (BCNR) will not take any action with the Defense Finance and Accounting Service (DFAS) for the SRB payment. Petitioner's SRB payment will not be funded by the BCNR's Claims Line of Accounting (LOA). HQMC will secure funding via unexecuted SRB funds and will use their LOA to pay the SRB payment.

A copy of this Report of Proceedings will 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

4/7/2024

