



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

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Docket No. 5467-24
Ref: Signature Date

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Dear ■■■■■■

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session on 6 November 2024, has carefully examined your current request. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You previously applied to this Board requesting that your naval record be corrected to change your RE-4 reenlistment code to one that would allow you to reenlist. On 30 January 2023, you were granted relief in the form of changing your reenlistment code from RE-4 to RE-3C. The Board concurred that your assigned RE-4 reenlistment code was issued in error and in contradiction to the direction of the Commandant of the Marine Corps; which directed that you receive a reenlistment code of RE-3C for Performance Record.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to be reinstated at your former rank and to be allowed to retire with full benefits. The Board considered your contentions that you were wrongfully discharged, issued a fraudulent reentry code, and precluded from reenlisting and completing your military service. For purposes of clemency and equity consideration, the Board considered the documentation you provided in support of your application.

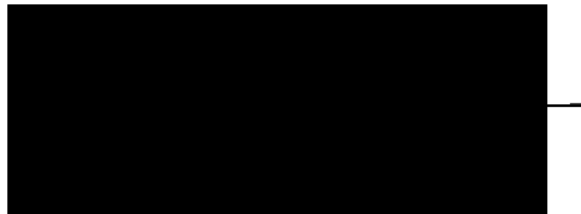
After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that you were properly discharged at the end of your obligated service. Further, as explained in the Board's prior decision, the Commandant of the Marine Corps (CMC) directed you be assigned an "RE-3C" reentry code; which did not preclude reenlistment but required CMC approval. Your reentry code was corrected by this Board and provided you an opportunity to apply for reenlistment in the Marine Corps. Based on these factors, the Board found insufficient evidence to support to grant you constructive credit for retirement from the Marine Corps. Further, the Board found no evidence to support a change to your paygrade.

While the Board carefully considered the evidence you submitted in mitigation, even in light of Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

12/2/2024

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