



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 5233-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
XXX XX ██████████ USMC

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

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, *inter alia*, reflect retention vice separation from active duty due to a denial of his reenlistment, to receive all back pay and non-competitive promotions he would have received if allowed to remain on active duty until his 20-year retirement, and to change his reentry code.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 19 December 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include reference (b). The Board also considered an advisory opinion (AO) from Headquarters Marine Corps (HQMC) Enlisted Assignments Branch (MMEA) that was considered favorable to Petitioner.

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 interests of justice to review the application on its merits.

c. The Petitioner originally enlisted in the U.S. Marine Corps and began a period of active service on 27 July 2004. The Petitioner's last reenlistment occurred on 18 April 2014 and he later extended such enlistment for another twenty-six (26) months. Petitioner's primary MOS was 3432 (finance technician).

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d. On 20 March 2018, Petitioner received non-judicial punishment (NJP) for failing to obey a lawful order. On divers occasions between 7 December 2017 and 30 December 2017, Petitioner wrongfully used his government travel card (GTCC) for personal, family, and household expenses without having proper authority from his commanding officer, and for failing to pay the GTCC charges in a timely manner upon receipt of his PCS travel and TLA reimbursements. Petitioner did not appeal his NJP. On 20 March 2018, Petitioner's command issued him a "Page 11" warning (Page 11) documenting his NJP.

e. On 18 April 2018, Petitioner extended his enlistment for another twenty-six (26) months. On or about 26 April 2019, Petitioner submitted a 48-month reenlistment request after being identified for screening by the HQMC Special Duty Assignment (SDA) Screening Team. However, due to Petitioner's misconduct, he was denied the SDA.

f. On 20 March 2020, HQMC denied Petitioner's reenlistment request. HQMC's basis for denial was:

SNM has failed to demonstrate the high standards of leadership, professional competence, and personal behavior required to maintain the prestige and quality standards of the Marine Corps. SNM has been authorized payment of half separation pay per MCO 1900.16. This headquarters (MMEA-1) has assigned SNM a reenlistment eligibility code of RE-3C.

g. On 21 May 2020, Petitioner filed an Inspector General (IG) complaint. Petitioner contended that his retention decision, the during of his retention request response, receiving only half separation pay, and his subsequent RE-3C reenlistment code were unjust, unprofessional, and based on racial discrimination.

h. The Marine Corps IG (IGMC) did not take any action on Petitioner's IG complaint. The IGMC determined, in pertinent part:

...there was no protected communication or disclosure which resulted in an unfavorable action. Therefore, your complaint does not fall under the purview of whistleblower protection...The IGMC also conducted a thorough analysis of the information you provided and determined the issue is more appropriate for another venue. The IGMC has no authority to change personnel records or the RE-3C code, however you may petition through the Board for Correction of Naval Records (BCNR).

i. Ultimately, on 17 July 2020, at the end of his active obligated service, Petitioner was honorably discharged from the Marine Corps and was assigned an "RE-3C" reentry/reenlistment code. Petitioner received "one-half" separation pay in the amount of \$38,602.44 upon his discharge. Petitioner's narrative reason for separation stated, "Non-Retention on Active Duty." At the time of Petitioner's discharge, he had completed fifteen (15) years, eleven (11) months, and twenty-one (21) days of active military service.

j. Petitioner contended, in part, that if his IG complaint was conducted under better circumstances, that he would have been allowed to remain on active duty. Petitioner contended

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that he was not provided with any answers about his enlistment rejection or the investigation until he was already on terminal leave.

k. HQMC MMEA reviewed Petitioner's contentions and the available records and issued an AO on 9 June 2025. As part of the Board's review, the Board considered the AO. The MMEA AO stated in pertinent part:

When making retention decisions, MMEA reviews each application on a case by-case basis, weighing factors such as Service need, individual performance, command recommendations, and if applicable, documented misconduct. While the decision to deny further active service to [Petitioner] is well within precedence established by this headquarters, the matters of his separations pay and assigned RE code warrant review.

-...full Involuntary Separations Pay (ISP) is awarded to members involuntary separated from active duty with at least 6 but fewer than 20 years of service who possess an honorable characterization at separation. In addition, the member must be qualified for retention but is denied reenlistment...half separations pay is awarded to members that are not fully qualified for retention and are denied reenlistment under certain specific conditions...

-...it is this headquarters' opinion that [Petitioner] met the minimum standards outlined in [MCO 1040.31]. The decision to deny him reenlistment was discretionary, meaning that he could have been retained despite the misconduct on record. While this headquarters maintains the authority to deny reenlistment for misconduct, [Petitioner] met criteria for full ISP as he possessed the required years of service, was separated with an honorable characterization, and met the minimum requirements for retention.

-...RE-3C is assigned to members "when directed by CMC or when not eligible and disqualifying factor is not covered by any other code." If assigned this code at separation, a Marine must obtain authority from the Commandant of the Marine Corps to reenlist. In reviewing this definition, this headquarters does not believe that RE-3C is appropriate given that [Petitioner] met minimum requirements to reenlist but was denied on a discretionary basis. It is the opinion of this headquarters that RE-1C is more appropriate for this situation. Per [MCO 1040.31], RE-1C is applicable for "recommended and eligible career Marines meeting generally acceptable standards and denied further service." Per [NAVMC 11537], [Petitioner] was recommended for retention by his command.

The MMEA AO concluded:

...In light of the above, this headquarters recommends the following corrective actions:

- a. [Petitioner] be granted full ISP.
- b. [Petitioner] be assigned RE-1C.
- c. [Petitioner's] record be updated to reflect the above.

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CONCLUSION:

After thorough review and consideration of all the evidence of record in the light most favorable to the Petitioner, the Board concluded that Petitioner's request warrants partial relief.

The Board did not believe that Petitioner's record was otherwise so meritorious during his last enlistment as to deserve certain requested relief. The Board initially denied Petitioner's requests related to: (a) retention vice separation from active duty notations due to a denial of his reenlistment, and (b) receiving all back pay/allowances and non-competitive promotions he might have received if allowed to remain on active duty until his 20 year retirement.

The Board concluded that there was no convincing evidence in the record regarding any command misconduct, improper motives, or abuses of discretion or judgment in the investigating, handling, and processing of Petitioner's reenlistment request. The Board unequivocally determined that Petitioner's non-retention at the expiration of his enlistment was legally and factually sufficient, and in compliance with all Department of the Navy directives and policy at the time of his discharge.

Moreover, the Board unequivocally determined that it was well within Petitioner's command and HQMC's discretion and authority to deny Petitioner's reenlistment based on his NJP. The Board noted that, although one's service is generally evaluated at the time of reenlistment and/or discharge based on performance and conduct throughout the entire enlistment, the conduct or performance of duty reflected by even just one incident of misconduct may provide the basis to deny reenlistment. As a result, the Board determined there was no impropriety or inequity in Petitioner's reenlistment denial, and the Board concluded Petitioner's misconduct and disregard for good order in discipline clearly merited his non-retention.

Additionally, absent a material error or injustice, the Board declined to summarily change a military record solely for the purpose of facilitating veterans' benefits, retirement eligibility, or enhancing educational or employment opportunities, including military enlistments. Even in light of the Wilkie Memo and reviewing the record holistically, the Board still concluded that insufficient evidence of an error or injustice exists to either: (a) grant constructive service credit (CSC) until Petitioner's retirement eligibility for time not served on active duty, as well as corresponding back pay and allowance for such CSC, and/or (b) receive any promotions that may have occurred during the CSC period until Petitioner's retirement eligibility.

Notwithstanding the foregoing, the Board concluded that certain relief was warranted in connection with Petitioner's reenlistment/reentry code and his ISP determination. The Board concurred with the AO and unanimously concluded that: (a) Petitioner was assigned the incorrect RE-code based on the totality of his circumstances, (b) Petitioner was qualified to receive full ISP, in lieu of only half ISP, given that he met all prescribed criteria for full ISP.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of material errors or injustices warranting the following corrective action.

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That Petitioner be issued a "Correction to DD Form 214, Certificate of Release or Discharge from Active Duty" (DD Form 215), for the period ending 17 July 2020, to indicate that his reentry code in Block 27 of his DD Form 214 is changed to "RE-1C."

That Petitioner receive the full ISP payment based on his grade/rank and time in service, minus any ISP amounts already paid.

That Defense Finance and Accounting Service (DFAS) complete an audit of Petitioner's records to determine if Petitioner is due any ISP, pay, and allowances.

Following the correction to the DD Form 214 indicating the correct reentry code, that all other information currently listed on such DD Form 214 remains the same.

That a copy of this report of proceedings 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

1/9/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]