



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

RDZ:ecb

Docket No. 01902-08

14 April 2008

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 dtd 20 Feb 08 w/attachs  
(2) USMC ltr dtd 7 Feb 08

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, applied to this Board requesting that his RE-4 reenlistment code be changed.

2. The Board, consisting of Messrs. Dietrich, Genteman and Leeman, reviewed Petitioner's allegations of error and injustice on 9 April 2008 and, pursuant to its regulations, a majority 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, 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. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps on 7 August 2000 at age 18. He served in an excellent manner, earning a good conduct medal and promotion to Lance Corporal [E-3]. His only disciplinary action occurred on 5 July 2004, approximately one

month before his scheduled release from active duty, and consisted of non-judicial punishment for impersonating a non-commissioned officer, specifically a Corporal [E-4] in connection with his application for a Marine Corps Community Services credit card and loan. The punishment imposed consisted of a forfeiture of pay of \$348.00. Based on his overall record of service including his marks in conduct and performance of duty he received a fully honorable release from active duty on 6 August 2004. Since his release from active duty Petitioner has been an active driller in the Marine Corps Reserve and earned a promotion to Corporal [E-4]. In October of 2006 Petitioner successfully completed the sergeant's education program given by the Marine Corps Institute.

d. Unfortunately for Petitioner at the time he was released from active duty he was assigned an RE-4 reenlistment code based on the disciplinary action which occurred one month earlier. In his application to the Board he concedes that he acted wrongfully but points out that the RE-4 reenlistment code is preventing him from getting orders to extended active duty which he clearly desires. By enclosure (2) Headquarters Marine Corps recommends against granting relief pointing out that it was correctly assigned and opines that reenlistment codes should not be routinely changed based on events occurring after separation or the passage of time.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and notwithstanding the recommendation of enclosure (2) the Board finds that under the totality of the circumstances of this particular case the interests of justice would be better served by changing Petitioner's RE-4 reenlistment code. The Board takes particular note of Petitioner's overall record of service and the fact that the isolated act of misconduct that was the basis for the RE-4 reenlistment code was of a minor nature with no aggravating features and was disposed of at non-judicial punishment rather than trial by court-martial. Furthermore its timing was most unfortunate since Petitioner had little time to overcome this incident and improve his commanding officer's opinion of him. And finally there is his performance of duty as a Marine Corps reservist and desire to serve on extended active duty and thereby offer his support to the Marine Corps during these demanding and dangerous times.

In view of the above the Board recommends the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code assigned to him upon his release from active duty on 6 August 2004 to RE-1.

b. That any material or entries relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries be added to the record in the future.

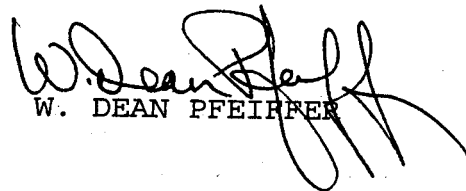
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of the Petitioner's naval record.

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.


ROBERT D. ZSALMAN  
Recorder

  
BRIAN J. GEORGE  
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.

  
W. DEAN PFEIFFER

Reviewed and approved:

  
4-22-08