



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

RDZ:kes
Docket No. 04191-10
22 June 2010

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

Subj: [REDACTED]

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

Encl: (1) DD Form 149 w/ attachments
(2) Headquarters Marine Corps Advisory Opinion
Dtd 14 Apr 10
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a enlisted member of the Marine Corps, files enclosure (1) with this Board requesting that his reenlistment code (RE-3C) be changed.

2. The Board, consisting of Messrs W. Hicks, Pfeiffer and Swarens reviewed Petitioner's allegations of error and injustice on 17 June 2010. Pursuant to its regulations, the Board 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. Enclosure (1) was filed in timely manner.

c. Petitioner enlisted in the Marine Corps on 15 September 2008 at age 18 and served for a total of 25 days when he received an uncharacterized entry separation due to his having

a tattoo on his right arm whose meaning was sexist in nature. Specifically Petitioner's right arm bore the tattooed letters "M.O.B" which he admitted stood for "money over bitches." Despite his sincere expression of regret Petitioner's request for a waiver and continuation of military training was denied and he was assigned on RE-3C reenlistment code. A review of enclosure (3) reveals that there were no other disqualifying features of either a physical, mental or behavioral nature that would have justified Petitioner's separation.

d. In his application to the Board Petitioner denies having sexist views and explains that the tattoo was the result of a wager he lost on a local football game, and the tattoo was chosen because at the time he had it placed on his arm the phrase "money over bitches" had become popular in local rap music. Petitioner deeply regrets his "stupidity and immaturity". He also states that when his recruiter saw the tattoo and questioned him about it, Petitioner truthfully told him its meaning. Petitioner claims that in response his recruiter advised him to come up with an alternative meaning that would be more appropriate with Marine Corps values. Accordingly, when Petitioner was undergoing initial processing (MEPS) he told authorities the tattooed letters M.O.B. meant mind over body. When his explanation was later challenged by authorities at the Marine Corps Recruit Depot, Parris Island he admitted the tattoo's true meaning.

e. Since his separation Petitioner has been actively engaged as a full time college student who uses his spare time to serve as a volunteer for the American Red Cross. Attached to his application is a photograph showing that the objectionable tattoo has been completely covered over by a new tattoo of an airplane. The Board is aware that such a procedure is far less expensive and involves less physical discomfort than outright removal through laser surgery.

f. Enclosure (2) is an advisory opinion from the Marine Corps Performance Review Branch recommending denial of Petitioner's request on the grounds that since the Re-3C code was correctly assigned it should not be routinely changed.

CONCLUSION:

Upon review and reconsideration of all the evidence of record and notwithstanding the unfavorable recommendation of enclosure (2) the Board concludes that the interests of justice would be

better served by granting Petitioner's request. The Board find's Petitioner's explanation of the events and circumstances leading to his acquiring of the objectionable tattoo to be credible, namely that it was an act of immaturity by a teenager inspired by his fondness of rap music and caused by a losing wager on a local football game. In this regard the Board would like to point out that it was the tattoo itself and only the tattoo that caused Petitioner to be separated and not any observable personality or behavioral traits that would have disqualified him from further military service. The Board is also impressed by Petitioner's post service conduct demonstrating both maturity, sound judgement and civic mindedness as evidenced by his pursuit of a college education and his volunteer service to the American Red Cross. Undoubtedly this latter experience has led Petitioner to seek enlistment in the Navy as a hospital corpsman. Accordingly the Board recommends that the Petitioner's reenlistment code be changed to RE-1A.

RECOMMENDATION:

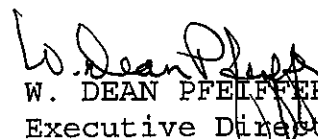
- a. The Petitioner's naval record be corrected to show that on 9 October 2008 he was issued an RE-1A reenlistment code vice the RE-3C actually issued on that date.
- b. That a copy of Board's Report of Proceedings be filed in Petitioner's record so that future reviewers will fully understand the nature and reasons for the Board's corrective action.



ROBERT D. ZSALMAN
Recorder


BRIAN J. GEORGE
Acting Recorder

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



W. DEAN PFELFFER
Executive Director

Reviewed and approved:



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