



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

JSR
Docket No: NR3056-13
19 September 2013

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 18 Jan 13 w/attachments
(2) HQMC MIQ memo dtd 11 Jun 13 w/enclosure
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that his naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070") entry dated 14 November 2011 (copy at Tab A).

2. The Board, consisting of Ms. Wilcher and Messrs. Chapman and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 19 September 2013, 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, 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 which were available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. The contested entry states Petitioner has been assigned reenlistment eligibility code RE-30 (refused orders assigned without sufficient obligated service remaining) because he would not reenlist to complete the necessary tour length to execute

PCS (permanent change of station) orders. He contends the entry should be removed because he has since reenlisted and executed PCS orders.

d. In enclosure (2), the Headquarters Marine Corps office with cognizance over the subject matter of Petitioner's case has commented to the effect his request should be denied, as the fact he has reenlisted and eventually executed orders is irrelevant since the reenlistment "does not take away his refusal to incur further obligated service at the time when orders were originally assigned to him."

CONCLUSION:

Upon review and consideration of all the evidence of record, and notwithstanding enclosure (2), the Board finds an injustice warranting the requested relief. In this connection, the Board agrees with Petitioner that since he has executed the orders he initially denied and he has reenlisted, the contested entry no longer serves a legitimate purpose, but is merely unfairly punitive. In view of the foregoing, the Board recommends the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entry dated 14 November 2011. This is to be accomplished by physically removing the page 11 on which the entry appears, or completely obliterating the entry so it cannot be read, rather than merely lining through it.

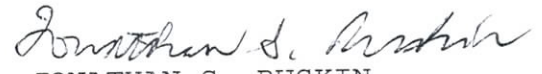
b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries be added to the record in the future.

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


JONATHAN S. RUSKIN
Acting Recorder

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


W. DEAN PFEIFFER

Reviewed and approved:

 9/30/13

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