



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

JRE

Docket No. 07798-08
27 October 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 149
(2) CMC memo 1040 MMEA, 3 Oct 08
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, applied to this Board requesting that his naval record be corrected to show that he was entitled to separation or severance pay. He contends that he was not permitted to reenlist because of his medical problems.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 October 2008 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 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 was discharged from the Marine Corps on 5 July 2008, by reason of completion of required service. He was not permitted to reenlist at that time because he exceeded the

Marine Corps height and weight standards; however, he was considered fit for duty at that time.

d. In correspondence attached as enclosure (2), officials of Headquarters Marine Corps advised the Board, in effect, that Petitioner was eligible for half separation pay, and recommended that his record be corrected accordingly.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that the partial corrective action recommended in paragraph 3d above is warranted. The Board was not persuaded that he met the criteria for full separation pay, or that he was unfit for duty by reason of physical disability or entitled to disability severance pay.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that when discharged on 5 July 2008, he was authorized one-half separation pay.

b. That so much of Petitioner's request for correction of his record as exceeds the foregoing be denied.

c. 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.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 5e of the Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.), and having ensured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the provisions

of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER