



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

TAL  
Docket No: 7234-09  
28 July 2010

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a change of his narrative reason for separation and separation code on the Certificate of Release or Discharge From Active Duty (DD Form 214).

2. The Board, consisting of Messrs. [REDACTED] and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 June 2010 and, pursuant to its regulations, determined that the partial 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. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 16 January 1990 at age 19. During his enlistment, he served without disciplinary incident, was advanced to paygrade E-4, received a National Defense Service Medal, Joint Meritorious Unit Award, Good Conduct Award, Southwest Asia Service Medal and a Sea Service Deployment Ribbon.

d. The Petitioner was discharged under honorable conditions at the expiration of his enlistment, having served 3 years, 11 months and 27 days. On 12 January 1994 he was issued a DD Form 214 which characterized his service as honorable. However, it incorrectly stated the narrative reason for separation and separation code as "Insufficient Retainability (Economic Reasons)" and "MBM", respectively.

e. In Petitioner's application, he states, in part, that his narrative reason for separation is incorrect and believes that the DD Form 214 should reflect that he completed his obligated service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

The Board notes the error reflected in the narrative reason for separation and separation code on his DD Form 214, which are insufficient retainability and MBM, and as such concludes that favorable corrective action is warranted, specifically the DD Form 214 should be corrected by deleting the words "Insufficient Retainability (Economic Reasons)" and changing the separation code of "MBM" as directed by regulatory guidance.

Based on the foregoing, and considering the fact that Petitioner has suffered the consequences of not having a DD Form 214 which reflects a correct narrative reason for separation and separation code, the Board concludes that the issuance of a corrected DD Form 214 is appropriate at this time.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record is corrected as follows, and that he is issued a corrected DD Form 214:

(1) Correct the DD Form 214, block 26/Separation Code to "LBK" vice MBM.

(2) Correct the DD Form 214, block 28/Narrative Reason for Separation by deleting the word "Insufficient Retainability (economic reasons)". The narrative reason for separation should read as "Completion of required active service".

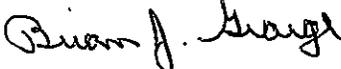
b. That no further relief be granted.

c. That only the material inconsistent with or relating to the Board's recommendation regarding the corrected DD Form 214, is removed from Petitioner's record. Further, that any material directed to be removed from Petitioner's record be returned to the Board, together with a copy of this Report of Proceedings.

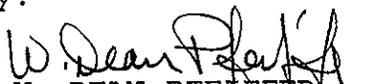
d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)), 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. 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 Regulation, 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.

  
W. DEAN PFEIFFER  
Executive Director