



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

JRE  
Docket No. 13447-09  
5 April 2010

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he received an honorable discharge vice and uncharacterized entry level separation.

2. The Board, consisting of Messrs. [REDACTED], [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 25 March 2010 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. Enclosure (1) was filed in a timely manner.

c. Petitioner served on active duty from 30 March to 30 August 2009, a period of 5 months and 1 day, when he was released from active duty and transferred to the Temporary Disability Retired List because of the residual effects of an injury which was classified as "combat-related" by the Physical Evaluation Board..

d. The Marine Corps Separation and Retirement Manual (MARCORSEPMAN), paragraph 1004.5, provides, in effect, that when separation is initiated while a member is in entry level status an uncharacterized description or service will be applied, except when characterization of under other than honorable conditions is authorized and warranted, or characterization of honorable is clearly warranted and approved on a case by case basis by the Secretary. Honorable characterization will be considered when the member is separated by reason of selected changes in service obligation, Convenience of the Government, disability, or Secretarial plenary authority.

e. Petitioner contends, in effect, that he has had difficulty in obtaining certain benefits administered by the Department of Veterans Affairs because his service was not characterized

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board could not determine whether or not a characterized separation was considered in this case, as required by the provisions of the MARCORSEPMAN cited above. The Board concludes that it would be in the interest of justice to correct Petitioner's record to show that his service was characterized as honorable. Accordingly, it finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that his service was characterized as honorable when he was release from active duty on 30 August 2009.

b. 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

  
JAMES R. EXNICIOS  
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 Regulations, 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