



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

BJG
Docket No: 2546-10
17 November 2010

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 9 Mar 10 w/attachments
(2) Subj'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 changing block 26 (Separation Code) of his DD Form 214 (Certificate of Release or Discharge from Active Duty) from "KBK1" (Normal Expiration of Service) to "MBK1" (Expiration of Term of Service). He also impliedly requested that he be tendered a reserve commission effective 7 April 2009.

2. The Board, consisting of Ms. [REDACTED] and Messrs. [REDACTED] and [REDACTED], reviewed allegations of error and injustice on 16 November 2010, and pursuant to its regulations, determined that the limited 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. Petitioner entered active duty in the Regular Marine Corps on 8 April 2005 and served until he was honorably discharged on 6 April 2009. He had an eight year commitment, so he should have been tendered a Marine Corps Reserve

commission effective 7 April 2009. He was correctly assigned a Separation Code of "KBK1".

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by tendering him a Marine Corps Reserve commission effective 7 April 2009.

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 or material 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.

d. That no further relief be granted.

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 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
Executive Director