



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

BJG
Docket No: 4110-13
19 March 2014

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 2 Feb 13 w/attachments
(2) 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 changing the characterization of his other than honorable (OTH) discharge issued on 18 April 1994 be upgraded to an honorable discharge.

2. The Board, consisting of Mes. Aldrich and Tolleffson and Mr. Grover, reviewed allegations of error and injustice on 18 March 2014, and pursuant to its regulations, determined that relief should be granted. 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 enlisted in the Marine Corps Reserve on 15 February 1989. He was not the subject of any disciplinary actions during his term of service and was promoted to corporal (pay grade E-4). He failed four physical fitness tests. He was then processed for administrative separation due to unsatisfactory performance with a type warranted by service record characterization of service. On 18 April 1994, he received an honorable characterization of service due to unsatisfactory performance, and was assigned an RE-4 (not recommended for retention) reenlistment code.

c. On 22 January 2013, a staff member of the Headquarters Marine Corps Separation and Retirement Branch (MMSR-5) placed two entries in Petitioner's service record stating that he was discharged under OTH conditions.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting relief. The Board particularly notes that Petitioner had no disciplinary actions and was issued an honorable discharge certificate. The Board concludes that the two entries placed in his service record by MMSR-5 were erroneous. In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 18 April 1994, he was issued an honorable discharge, vice the OTH characterization of service on the same date.

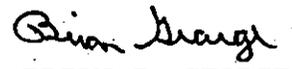
b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

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.

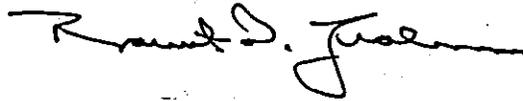
d. That the Department of Veterans Affairs be informed that he applied to this Board on 6 February 2013.

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.



ROBERT D. ZSALMAN
Acting Executive Director