



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

█  
Docket No: 0795-21  
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 24 February 2021. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps and began a period of active duty on 15 August 2000. On 18 December 2000, you were issued an Administrative Remarks (Page 11) counseling concerning mental health problems, which can result in a psychological disorder. On 12 June 2001, you were issued a Page 11 counseling concerning your Level III treatment failure. Although you were considered an Alcohol Rehabilitation Failure, you were retained in the Marine Corps. On 24 November 2003, you were issued a Page 11 counseling concerning violations of the Uniform Code of Military Justice (UCMJ). Your Certificate of Release or Discharge from Active Duty (DD Form 214) reflects that on 30 October 2004, you were

honorably discharged from the naval service by reason of disability, assigned a separation code of "JFP1," and reenlistment code of "RE-3P."

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to change your separation code to a code that would allow you to receive "VA" compensation for the loss of your leg and contentions that: (1) You have an erroneous separation code; your separation code is not listed in the Marine Corps/Naval Doctrine; (2) "JFP" is defined as misconduct (Reason Unknown) or Disability not in the line of duty; (3) your command was upset that the crash you were involved in killed another Marine and hid a separation code on your honorable discharge that you, as a rifleman would not know what it meant; (4) you were not provided legal counsel concerning VA compensation, but were instructed that the VA would take care of you; and (5) you were denied VA compensation and after several attempts to appeal your denial, you were informed by the VA that your discharge code (JFP1) was preventing you from receiving VA compensation.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. A separation code of JFP1 is authorized by regulatory guidelines when a Marine is separated by reason of disability, not in the line of duty. Additionally, be advised that decisions reached by the Department of Veterans Affairs (VA) to determine if former servicemembers rate certain VA benefits do not affect previous discharge decisions made by the Marine Corps. The criteria used by the VA in determining whether a former servicemember is eligible for benefits are different from that used by the Department of the Navy. If you have been denied benefits, you should appeal that denial under procedures established by the VA. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

3/15/2021

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Executive Director