



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

██████████
Docket No: 2162-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MARINE ██████████
XXX-XX-██████████ USMCR

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to reflect an honorable characterization of service.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 30 March 2022 and, pursuant to its regulations, determined the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's 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).

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 enclosure (1) was not filed in a timely manner, it is in the interests of justice to review Petitioner's application on its merits.

c. Petitioner enlisted and entered a period of active duty in the Marine Corps on 28 May 1991. He completed his initial tour of active duty for training on 24 August 1991.

d. On 12 January 1992, Petitioner was assigned to a Selected Marine Corps Reserve unit.

e. On 8 June 1992, Petitioner reported to the School of Infantry (SOI) for his second increment of training.

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
XXX-XX [REDACTED] USMCR

f. On 20 July 1992, Petitioner was diagnosed with Recurrent Heat Intolerance.

g. Petitioner was notified of administrative separation processing by reason of convenience of the government due to a physical condition not a disability on 7 August 1992. Petitioner did not consult with counsel, did not submit a statement, and acknowledged that the least favorable characterization of service he could receive would be uncharacterized.

h. On 21 August 1992, Petitioner was discharged; his characterization of service states "Entry Level Separation."

i. Petitioner's service record indicates his traits at discharge were proficiency marks of 4.2 and conduct marks of 4.2. The traits required for an honorable characterization of service in the Marine Corps in August 1992 were proficiency marks of 3.0 and conduct marks of 4.0.

j. Petitioner contends that during MCT (Marine Combat Training) he was ill with a virus, barely finished a 20 mile march due to cramps, and was taken to medical by his commanding officer. He states he was treated for dehydration, diagnosed with reoccurring heat problems, and discharged.

CONCLUSION:

In accordance with reference (b), the Board considered the totality of the circumstances to determine whether relief is warranted in the interests of justice. Upon careful review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief and that his characterization of service should be corrected to reflect honorable.

In its deliberations, the Board determined that Petitioner's second DD Form 214 was issued with inaccurate information and therefore in error. He began his second period of active duty on 8 June 1992 and was discharged due to a medical condition that was not a disability on 21 August 1992. As a reservist, Petitioner had served from 28 May 1991 to 24 August 1991 and then was assigned to an SMCR unit on 12 January 1992. Furthermore, Petitioner's rank at the time of discharge was Lance Corporal. Considering Petitioner's rank and that he received orders to SOI, the Board presumed that he fulfilled his reserve obligations prior to the time he began SOI, and therefore would have served more than 180 days making an ELS type of discharge and uncharacterized discharge inapplicable. Additionally, Petitioner's traits at discharge were well within range of receiving an honorable characterization of service.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

That Petitioner be issued a new DD Form 214 reflecting that his second period of service was characterized as "Honorable," that the date he entered active duty on his second period of service was 8 June 1992, and associated changes to block 12.c. consistent with this change.

That no further corrective action should be taken.

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
XXX-XX-[REDACTED] USMCR

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. 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.

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.

4/25/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]