



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

█
Docket No: 4632-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
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Ref: (a) 10 U.S.C. § 1552
(b) SECDEF memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149
(2) Case summary
(3) Naval record (excerpts)

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 adjustment to his record to upgrade his character of service of service to honorable. Enclosures (2) through (3) apply.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 29 July 2022 and, pursuant to its regulations, determined that 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, and reference (b), 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 interest of justice to review the application on its merits.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 5 June 2001. He received a Meritorious Mast on 19 October 2001 for the performance of duties in an exemplary and professional manner. On 2 December 2002, the separation authority approved and directed Petitioner's discharge for an unfitting physical disability. On 31 December 2002, Petitioner was discharged with a General (Under Honorable Conditions) (GEN) character of service by reason of disability, with severance pay, and issued an RE-3P reentry code.

d. Petitioner requested a discharge upgrade to the Navy Discharge Review Board (NDRB). However, on 16 April 2015, his request was denied based on the presumption of regularity.

e. Petitioner contends, in part, he developed a medical condition in boot camp and was discharged, unjustly, with a GEN. Petitioner argued that he received a meritorious mast during his service and served without any disciplinary issues. He is seeking to use his educational benefits but is unable to do so due to his current character of service.

CONCLUSION:

Upon review and consideration of all the evidence of record, and in light of reference (b), the Board determined Petitioner's record warrants relief. The Board noted Petitioner had no record of misconduct to support the issuance of a GEN characterization of service. The Board noted Petitioner's record is incomplete; however, his record documents he was awarded a meritorious mast approximately two months prior to his discharge, discharged at the grade of LCPL, and issued a waiverable reentry code. Based on the foregoing, it appeared to the Board that the characterization of the Petitioner's service is either erroneous or unjust. Accordingly, the Board determined it would be in the interest of justice to upgrade Petitioner's GEN discharge to Honorable.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action: Petitioner be issued a Correction to Certificate of Release or Discharge from Active Duty (DD Form 215) indicating he received an Honorable characterization of service on 31 December 2002.

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

8/19/2022

Signed by: [REDACTED]