



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

█  
Docket No: 5160-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █  
█ USMC

Ref: (a) 10 U.S.C. §1552  
(b) USECDEF 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 with attachments  
(2) Case summary

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 his military occupational specialty (MOS), last unit assignment, entry date, and his narrative reason for separation on his Certificate of Release or Discharge from Active Duty (DD Form 214) be corrected/changed.

2. The Board, consisting of █, and █, reviewed Petitioner's allegations of error and injustice on 15 August 2022, and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service 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 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.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 16 August 2000. On 5 January 2001, Petitioner's official military personnel file (OMPF) documents his MOS as Small Arms Repairer (2111). On █, Petitioner was found guilty at a summary court-martial (SCM) of the wrongful use of marijuana and was sentenced to be

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[REDACTED] USMC

confined for 30 days, to forfeit [REDACTED] pay per month for one month, and to be reduced in rank to E-1. On 24 November 2003, Petitioner was notified of pending administration separation by reason of misconduct due to drug abuse, at which time Petitioner waived his procedural rights. On 10 December 2003, Petitioner refused substance abuse treatment. On 11 December 2003, Petitioner's commanding officer recommended he be discharged with an Other Than Honorable (OTH) characterization of service. On 28 December 2003, the Separation Authority approved Petitioner's separation and directed he be discharged with an OTH for misconduct due to his drug abuse. On 14 January 2004, Petitioner was so discharged. At the time of his discharge, he was assigned to [REDACTED] Tank Battalion, [REDACTED] Marine Division, [REDACTED].

d. Petitioner was issued a DD Form 214 upon his discharge that listed his Primary Specialty as "0313 – Light Armored Vehicle Crewman," his last unit assignment as "[REDACTED] Div [REDACTED]" and an active duty entry date of "2000 12 04," and narrative reason for separation of "Misconduct."

e. On 5 May 2011, the Naval Discharge Review Board (NDRB) denied Petitioner's request to upgrade his discharge to an Honorable characterization.

f. Petitioner argued that his narrative reason for separation is erroneous since he failed a "substance test" and implies that does not qualify as misconduct. Additionally, he submitted a character letter for consideration.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and in light of reference (b), the Board found the existence of errors warranting relief. Specifically, the Board found that partial relief, in the form of correcting the Petitioner's MOS, last unit assignment, and entry date is appropriate. In reviewing Petitioner's record, the Board found his DD Form 214 contained erroneous information on those issues.

Notwithstanding the recommended relief below, the Board found no error with Petitioner's assigned narrative reason for separation based on his administrative separation for misconduct due to drug abuse.

#### RECOMMENDATION:

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

A Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) changing his MOS to "2111 – Small Arms Repairer," his last unit assignment be changed to "[REDACTED] Tank Battalion, [REDACTED] Marine Division, [REDACTED]," and his entry date be changed to "16 August 2000."

No further changes be made to Petitioner's record.

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[REDACTED] USMC

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.

9/7/2022

[REDACTED]

Executive Director

[REDACTED]