



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

[REDACTED]
Docket No. 7861-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED]
XXX-XX-[REDACTED] (DECEASED)

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1900.16

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject's widow, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her spouse's naval record be corrected to reflect the rank of Sergeant (Sgt)/E-5 upon discharge from military service.
2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 27 October 2022 and, pursuant to its regulations, determined that 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 Petitioner's spouse's naval record, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:
 - a. Subject promoted to Corporal (Cpl)/E-4 effective 1 October 2012 while on active duty in the U.S. Marine Corps.
 - b. Subject released from active duty and transferred to the U.S. Marine Corps Reserve - Inactive Ready Reserve (IRR) on 15 June 2014 and issued Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting the rank/grade of Cpl/E-4.
 - c. Subject joined by IRR on 16 June 2014 and promoted to the rank of Sgt/E-5 effective 1 January 2015.
 - d. On 31 January 2018, Subject voluntary discharge upon competition of obligated service in the rank/grade of Sgt/E-5. However, a Discharge Certificate was not located in Subject's official military personnel file.

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- e. Subject married Petitioner, [REDACTED] on 4 August 2018.
- f. Subject passed away on 23 August 2020.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action in accordance with reference (b).¹ Subject issued DD Form 214 reflecting the appropriate rank of Cpl/E-4 at the time of release from active duty on 15 June 2014, however, there is no record that an honorable discharge certificate was issued reflecting the rank of Sgt/E-5 upon fulfillment of service obligation effective 31 January 2018. Therefore, the Board felt, under these circumstances, partial relief is warranted.

RECOMMENDATION

That Subject's naval record be corrected, where appropriate, to show that:

Subject issued Honorable Discharge Certificate effective 31 January 2018 in the rank of Sergeant. Note: Commandant of Marine Corps will ensure Honorable Discharge Certificate is sent to Petitioner's spouse.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

A copy of this Report of Proceedings will be filed in Subject'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 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

11/7/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]

¹ Reference (b), the discharge of a Reservist as result of expiration of enlistment or fulfillment of service obligation will be effective on the date shown on the discharge certificate. A discharge certificate will not be issued unless the Marine is being honorably discharged or reenlisted after completion of the service obligation or through involuntary administrative separation proceedings.