



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

[REDACTED]
Docket No. 8573-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

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
(3) Advisory Opinion of 2 December 22

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a change to his Certificate of Release or Discharge of Active Duty (DD Form 214). Specifically, Petitioner states Block 11 is missing NER-ABH-004, Block 13 is missing Air Warfare Pin, and Meritorious Unit Commendation (MUC), Block 14 is missing Navy course/School: E600-0506 LSE, J-495-0413 SHBD, K-495-0046, OC Team training, US Military Apprenticeship Program for Correction Officer (government class) service #347716. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 4 January 2023 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, applicable statutes, regulations, and policies, to include reference (b). In addition, the Board considered enclosure (3), an advisory opinion (AO) from Navy Personnel Command.

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. Although Petitioner's 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 the case on its merits.

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b. Petitioner enlisted in the Navy and began a period of active duty on 30 March 2001. Subsequently, on 8 December 2009, Petitioner completed this enlistment with an Honorable characterization of service.

c. As part of the Board's review, Navy Personnel Command (PERS-312) provided the Board with enclosure (3), an AO. The AO stated in pertinent part:

No evidence was found indicating member's primary specialty in NER-ABH-004, therefore, recommend disapproval. No evidence found indicating SNM eligible for Air Warfare Pin, therefore, recommend disapproval. No evidence was found indicating SNM attended Navy Courses mentioned in reference (BCNR Docket No. NR2022000 [REDACTED]) [REDACTED] was attached to a command eligible for the MUC, therefore, recommend approval.

The AO concluded by recommending partial approval of Petitioner's request. Specifically, Petitioner was found to be entitled to the MUC.

d. Petitioner contends, in part, he was rushed during his out processing and missed the errors upon his return home. Petitioner states he has since suffered from untreated PTSD as a homeless veteran.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief. The Board carefully reviewed Petitioner's application, weighed all potentially mitigating factors. In making their determination, the Board concurred with the AO and concluded that there is no evidence in the record to support adjustment of the Petitioner's Primary specialty, addition of Navy courses, or entitlement to the Air Warfare Pin.

The Board concluded Petitioner's is eligible to receive the MUC as determined by the AO.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

That Petitioner be issued a DD Form 215 documenting his receipt of the MUC.

That no further changes be made to Petitioner's record.

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.

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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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

1/26/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]