



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

█
Docket No: 8734-22
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER █
XXX XX █ USMC

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (DD Form 214)
(4) NAVMC 118 (Page 11) dated 17 October 2007

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting removal of NAVMC 118 (Page 11) from his record. Enclosures (1) through (4) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 14 December 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, 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 waive the statute limitation and review the application on its merits.

c. Petitioner enlisted in the Marine Corps and entered active duty on 24 September 2001. On 23 September 2005, Petitioner was released from active duty at the completion of required active service with an Honorable characterization of service and transferred to the Inactive Ready Reserve (IRR).

d. On 17 October 2007, Petitioner received a letter from Bureau of Medicine and Surgery (BUMED) informing him that it has been determined that he was not physically qualified for retention in the Marine Corps Reserve due to a left toe fracture, depression, and PTSD.

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XXX XX [REDACTED] USMC

e. On 17 October 2007, a Page 11 was placed in Petitioner's record stating he was discharged from the IRR with an Other Than Honorable (OTH) characterization of service.

f. Petitioner contends the Page 11 is incorrect and should have never been placed in his record.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board notes that a review of Petitioner's record failed to reveal any information that warrants him receiving an OTH characterization of service upon his release from the IRR for medically related reasons. Therefore, the Board determined the Page 11, dated 17 October 2007, should be removed from his record.

In view of the foregoing, the Board finds in favor of clemency warranting the following corrective action:

RECOMMENDATION:

That Petitioner's naval record is corrected to by removing the 17 October 2007, Page 11 (NAVMC 118(3), reflecting Petitioner's "[REDACTED] DISCHARGE OTH THAN HON" from his record.

That any reference to Petitioner receiving an Other Than Honorable characterization discharge from the Marine Corps Reserve be removed from his record and be replaced with an Honorable characterization.

That no further changes be made to the 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.

1/11/2023

