



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

██████████
Docket No. 8982-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
██████████

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo of 25 July 2018 "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 that her characterization service be changed to Honorable, her separation date be annotated as 14 July 1994, and ██████████ be listed as her nearest relative on her Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 1 March 2023, 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 U.S. Marine Corps and began a period of active duty on 7 February 1994.

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[REDACTED]

d. On 22 March 1994, Petitioner was placed on light and limited duty for a disability condition. A Physical Evaluation Board (PEB) evaluated her case and found her to be unfit for duty 29 April 1994. Petitioner acknowledged and accepted the PEB results on 5 May 1994. On 10 May 1994, the decision was sent to the Commandant of the Marine Corps (CMC) with a 10% disability rating. The CMC approved the recommendation and directed discharge.

g. Petitioner was discharged with an uncharacterized entry level separation on 14 July 1994 after five months and 8 days of active service. She was issued a DD Form 214 that did not list her nearest living relative.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. In light of reference (b), the Board concluded Petitioner should be issued DD Form 215 to document her nearest relative.

Notwithstanding the below recommended corrective action, the Board concluded insufficient evidence exists to support Petitioner's request for a characterization of service change to Honorable. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined Petitioner was appropriately assigned an uncharacterized entry-level separation based on her active service dates totaling less than 180 days. Service regulations direct the assignment of an uncharacterized entry-level separation for service members processed for separation in their first 180 days of continuous active duty. While exceptions exist for cases involving extraordinary circumstances of performance or misconduct, the Board found none of those circumstances exist in Petitioner's case. Finally, the Board noted that Petitioner's discharge date is accurately documented on her DD Form 214.

RECOMMENDATION:

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

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge From Active Duty (DD Form 215) indicating her nearest relative as [REDACTED]

No further changes be made to Petitioner's record.

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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[REDACTED]

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.

3/7/2023

[REDACTED]
Executive Director
[REDACTED]