



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

█
Docket No. 9250-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER █
█ USMCR

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by HQMC (RFF), 27 Jul 23
(3) Advisory opinion by HQMC (JPL), 21 Sep 23
(4) Subject's naval record

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 naval record be corrected to show removal of debt for Consolidate Issue Facility (CIF) gear, rank restored from Lance Corporal, and characterization of service restored to Honorable.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 26 September 2023 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 naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 19 December 2013, Petitioner enlisted in the U.S. Marine Corps Reserve for 8 years with an expiration of obligated service of 18 December 2021. Petitioner was released from active duty and transferred to the U.S. Marine Corps Reserve as a Corporal/E-4 with an honorable character of service and was issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 25 August 2014 to 24 August 2018 upon completion of required active service. Petitioner's Reserve Obligation Termination Date was 18 December 2021.

b. On 15 March 2019, Petitioner was joined to █, █ (Monitored Command Codes (MCC) █)) for Selected Marine Corps Reserve (SMCR).

c. On 14 October 2019, Commanding Officer (CO), █, █ notified Petitioner that she had been declared an unsatisfactory participant in the SMCR for being absent from the following drills on the following dates: 20190803 (2 Drills), 20190804 (2 Drills), 20190907 (2 Drills), 20190908 (2 Drills), and 20190918 (1 Drill).

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d. On 14 October 2019, CO, [REDACTED], [REDACTED], [REDACTED] that she was hereby notified that the CO intended to recommend to the Commanding General (CG), [REDACTED] that she be discharged from the U.S. Marine Corps Reserve in accordance with paragraph(s) 6213 of the reference by reason of: Primary Basis (1) General Basis: Unsatisfactory Participation in the Ready Reserve, (2) Specific Basis: Unsatisfactory participation in the Ready Reserve, (3) Factual Basis: Member had 9 consecutive unauthorized absences.

e. On 26 November 2019, CO, [REDACTED] notified Petitioner that she had been declared an unsatisfactory participant in the SMCR for being absent from the following drills on the following dates: 3 August 2019 (2 Drills), 4 August 2019 (2 Drills), 7 September 2019 (2 Drills), 8 September 2019 (2 Drills), 18 September 2019 (1 Drill), 19 October 2019 (2 drills), 20 October 2019 (2 Drills), and 9 November 2019 (2 Drills). Petitioner was advised, should unsatisfactory participation continue, she may be subject to the following: Discharge from the Marine Corps Reserve with a possible characterization of service of conditions Other Than Honorable. Administrative reduction to the next lower grade. Termination of reserve Montgomery GI Bill and SMCR Incentive Program benefits. Termination of Servicemembers' Group Life Insurance coverage. adverse fitness report (sergeants and above) or adverse conduct marks (corporals and below). Derogatory comments entered into her official military personnel file.

f. On 10 June 2020, CO, [REDACTED], notified CG, [REDACTED] that Separation Authority review under paragraph 6308 of the reference, the proceedings have been reviewed and found sufficient in law and in fact. Recommended basis for discharge: Unsatisfactory participation in the Ready Reserve. Recommended characterization of discharge: Other Than Honorable. Suspension: None. Further stating that Petitioner demonstrated unsatisfactory participation by missing 9 or more drills in the past 12 months. Service of the Notification of Separation Proceedings and enclosures was properly attempted on Petitioner at her address of record on 14 October 2019 via certified mail, restricted delivery. Said delivery remained unclaimed and other attempts by the unit to contact her were unsuccessful. The unit documented the same on 2 June 2020. Therefore, Petitioner waived her right to an administrative separation board hearing.

g. On 10 June 2020, CG, [REDACTED] notified Commandant of the Marine Corps (MMRP-20), Headquarters, U.S. Marine Corps that the recommendation that the Petitioner be administratively discharged from the United States Marine Corps Reserve was approved. By copy of this letter, the Petitioner's CO was directed to take those administrative steps necessary to effect Petitioner's separation within 20 working days from the date of receipt of said letter under the following criteria: Characterization of Service: Other Than Honorable, Authority for Discharge: MARCORSEPMAN, par.6213, Separation Code: HHJ5 - Unsatisfactory Performance, Reenlistment Code: RE-4, and Suspension: 0 month(s).¹ On 10 June 2020, Petitioner was dropped with a Separation Program Designator code of HHJ5 (Unsatisfactory Performance).

h. On 29 October 2020, five cash sales/request for checkage for government property (NAVMC 6) were issued for varying amounts, totaling \$1,558.92. The total checkage indicated was charged against Petitioner's pay record on 12 November 2020.

¹ Marines serving in the pay grade E-4 or above who are administratively separated under Other Than Honorable conditions, will be administratively reduced to the pay grade E-3 effective upon discharge in accordance with the Marine Corps Separations Manual.

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i. On 2 November 2021, the Defense Finance & Accounting Service (DFAS) notified Petitioner of debt of \$1558.92 is a recoupment due to loss or damage to government property or equipment. Stating that [f]or a duplicate copy, or to turn in any equipment, contact former reserve unit. Only they can change or cancel this debt. If Petitioner disagreed with the validity or amount of debt, contact the pay office, Defense Military Pay Office or Air Force Accounting and Finance Office that placed her in debt and have them provide this office with proper documentation to alter or cancel the debt. Additionally, debt of \$241.00 is for collection of Servicemembers' Group Life Insurance premiums paid on Petitioner's behalf for the periods of March 2019 to November 2019. These premiums were paid because Petitioner had an active payroll account that was not separated until recently by her prior unit/finance office.

j. On 27 July 2023 and 21 September 2023, Headquarters, United States Marine Corps provided the Board with two favorable advisory opinions to Petitioner's application. Enclosures (2) and (3).

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Headquarters and Service Company, [REDACTED], [REDACTED] (Unit) is unable to provide any documentation showing Petitioner actively joined the Unit or was joined correctly. Therefore, Petitioner would not have been required to drill and there would be no grounds for the administrative discharge or issuing a characterization of service of Other Than Honorable or for the subsequent reduction to lance corporal. In this connection, Petitioner will not be charged for the equipment and insurance premiums.

RECOMMENDATION

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

The record of discharge from the U.S. Marine Corps Reserve effective 10 June 2020 is rescinded.

Petitioner was never joined to [REDACTED], [REDACTED] (MCC [REDACTED]) for SMCR and that all derogatory and punitive documentation issued between 15 March 2019 and 10 June 2020 be removed from Petitioner's record to include all NAVMC 6 forms issued on 29 October 2020.

Petitioner was discharged with an honorable character of service on 18 December 2021 from the U.S. Marine Corps Reserve upon completion of her 8-year service obligation and issued an honorable discharge certificate. Note: HQMC will audit her record for possible advancement to sergeant while in the Individual Ready Reserve from 25 August 2018 to 18 December 2021.

Note: The DFAS will complete an audit of Petitioner's records to determine if Petitioner is due any back pay to include any payments made for the erroneous debt incurred during the period of 15 March 2019 to 10 June 2020.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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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.

10/2/2023

