



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

██████████
Docket No: 9268-22

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 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

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 his narrative reason for separation be changed to remove the reason of “Unsatisfactory Performance” and that his separation date be changed to reflect discharge at the end of his obligated service with applicable pay and allowances. Enclosure (1) applies.

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 22 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, to include the references.

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.

b. Petitioner enlisted in the Marine Corps and began a period of active duty on 13 June 2011. He served honorably and reenlisted for four years on 20 December 2014 with an end of obligated service (EOS) of 19 December 2018.

c. On 4 April 2017, Petitioner was administratively counseled for failure to comply with weight and body composition standards, with the entry noting, “although [Petitioner] received

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

shoulder surgery and [was] placed on Limited Duty,” it did not excuse him from maintaining height and weight. He was assigned a deadline of 3 June 2017 to meet standards or be assigned to the Body Composition Program (BCP). An administrative counseling entry, from 13 October 2017, indicates that he failed to meet height/weight requirements and, via an undated counseling entry, he was assigned to BCP for a period of 6 months. He had a BCP evaluation on 1 November 2017, and his record contains a BCP worksheet from 1 May 2018.

d. Petitioner was notified, on 30 May 2018, of administrative separation proceedings for the basis of “unsatisfactory performance of duties due to failure to comply with established body composition standards” while assigned to BCP with a least favorable potential characterization of General (Under Honorable Conditions). In his acknowledgment of rights, he consulted counsel, requested a hearing before an administrative board, and submitted a written statement in which he addressed his honorable service, lack of misconduct, and the impact of his physical injuries on his difficulty in making standards. Petitioner stated, “I do not wish to be retained ... I do wish to be discharged with an Honorable characterization.”

e. On 30 August 2018, Petitioner was notified that the hearing for his administrative separation board was scheduled for 10 October 2018 and the initial appointment order set membership for his hearing. A supplemental order, on 10 October 2018, modified the board membership, and the hearing proceeded on the scheduled date.

f. Unfortunately, some documents pertinent to Petitioner’s administrative separation are not in his official military personnel file (OMPF). However, it appears the administrative separation board recommended Petitioner be discharged with an Honorable characterization. On 7 December 2018, Commanding General, Headquarters, [REDACTED] Marine Division, approved the administrative separation board’s recommendation of separation with instructions to discharge Petitioner for the narrative reason of “Unsatisfactory Performance” with a separation code of “GHJ3”¹ and reentry code of “RE-3P.” Of note, the approval directed to issue Petitioner’s “Honorable” discharge within 5 working days, no later than 14 December 2018. Petitioner’s official military personnel file (OMPF) does not contain a copy of his Certificate of Release or Discharge from Active Duty (DD Form 214); however, his application indicates that he was discharged 6 days before his EOS, on 13 December 2018, with final proficiency and conduct marks of 4.7/4.7.

g. Petitioner contends that he waited months before receiving notification of action regarding his administrative separation board, which he asserts delayed his preparation for civilian life and left him initially unemployed following his involuntary separation mere days before his contractual EOS. He also alleges that his command did not provide him with the benefit of a BCP that complied with regulatory requirements, citing irregularities within his administrative counseling entries as evidence of this allegation. Given his overall quality of performance and

¹ Of note, the separation code “GCR” is for the specific reason of “weight control failure” when a service initiated discharge is based upon the recommendation of a board after a member fails to meet established weight control standards prescribed in accordance with service regulations.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

“Honorable” discharge, he believes it was unnecessary and unfair to administratively separate him within a week of his EOS.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner’s request warrants favorable action in the form of partial relief. The Board reviewed the application under the guidance provided in the references.

In spite of the overall propriety of processing Petitioner for administrative separation due to failure to maintain weight standards, the Board observed that Petitioner’s separation code and narrative reason for separation more appropriately should have reflected the specific basis of weight control rather than the broader, general basis of “unsatisfactory performance,” which the Board found to be inequitable in light of Petitioner’s overall quality of performance during his active service. To this extent, the Board concluded that Petitioner’s request to change his narrative reason for separation warrants a change to Secretarial Authority.

Notwithstanding the corrective action recommended below, the Board found no other relief was warranted. In this regard, and notwithstanding Petitioner’s contentions with respect to the inadequacy of his unit’s BCP program, the Board noted that Petitioner’s failure to meet weight control standards and his performance while assigned to the BCP was duly reviewed at an administrative hearing before a properly convened administrative separation board, at which he was represented by competent legal counsel, and the members found by a preponderance of the evidence that the Government had substantiated the basis for separation due failure to comply with regulatory weight control standards. Therefore, to Petitioner’s additional contentions that he should have been discharged at his EOS rather than days before his contract expired, the Board found that Petitioner was afforded all rights incident to his involuntary administrative separation and concurred that Petitioner’s discharge prior to his EOS was neither erroneous nor unjust. Based on this finding, the Board also found no basis to grant Petitioner back pay or allowances. Finally, the Board determined his reentry code remains appropriate in light of his discharge based on his weight control failure.

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

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that his discharge was issued under the authority of “MARCORSEPMAN par 6214,” for the narrative reason of “Secretarial Authority,” and with a separation code of “JFF1.”

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

A copy of this report of proceedings be filed in Petitioner’s naval record.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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.

1/18/2023

[REDACTED]
Executive Director
[REDACTED]