



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

[REDACTED]
Docket No. 788-23
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]
XXX-XX [REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1900.16 CH 2 of 26 Nov 13/15 Feb 19

Encl: (1) DD Form 149 w/attachments
(2) 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 his naval record be corrected to show block 6 (Reserve obligation termination date) is corrected on Petitioner's Certificate of Release or Discharge from Active duty (DD Form 214) executed on 6 June 2020.

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 February 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. 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. On 7 October 2013, Petitioner enlisted in the Army National Guard for 8 years with an Expiration of Obligated Service (EOS) of 6 October 2021. Furthermore, Petitioner's expiration ready reserve obligation was 6 October 2019.

c. In accordance with reference (b), Release from Active Duty Service. A DD Form 214 will be issued to each Marine, except as directed in paragraph 1202.4 of this Manual, upon separation from a period of active duty. This includes: (1) Separation from a period of actual (de facto) or apparent (de jure) service; (2) Release from a voided minority enlistment; (3) Separation for cause or for physical disability regardless of the length of time served on active duty; and (4) When service was required by the Secretary of the Navy for shorter periods..

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Reserve obligation termination date. Enter the YYYYMMDD the Marine's Reserve obligation ends. For Marines who would normally have a Reserve obligation remaining, but who are being discharged under other than honorable conditions, enter the date of discharge. For Marines with no Reserve obligation, enter "00000000".

d. On 30 November 2015, Office of the Adjutant General, [REDACTED] National Guard notified Petitioner's command that request for release in order to join the U.S. Marine Corps has been approved. DD Form 368 was valid until 28 February 2016.

e. On 18 August 2015, Petitioner signed a Request for Conditional Release (DD Form 368) from the ARNGUS for inter-service transfer to the U.S. Marine Corps, and it was approved by cognizant authority on 30 November 2015 and valid until 28 February 2016.

f. On 16 February 2016, Office of the Adjutant General, [REDACTED] National Guard notified Petitioner's command that request for release in order to join the U.S. Marine Corps has been approved. DD Form 368 was valid until 28 May 2016.

g. On 7 March 2016, Petitioner reenlisted in the U.S. Marine Corps for 5 years and 36 weeks with an End of Current Contract (ECC) of 6 March 2020 and Reserve ECC of 13 November 2021.

h. On 21 January 2020, Petitioner signed an agreement to extend enlistment for 3 months with an End of Active Service (EAS) of 6 June 2020 in order to await response from Headquarters, U.S. Marine Corps on a submitted reenlistment.

i. Petitioner was released from active duty and transferred the Marine Corps Reserve with an Honorable character of service and was issued a DD Form 214 for the period of 7 March 2016 to 6 June 2020 upon completion of required active service. Furthermore, Petitioner's reserve obligation termination date was 6 March 2024.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b) and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner's Reserve Obligation listed in block 6 of his DD Form 214 does not take into account Petitioner's previous military service obligation in the U.S. Army National Guard. Petitioner's initial Reserve Obligation Termination date was 6 October 2021 and Petitioner had no break in service; therefore, his Reserve Obligation Termination date should remain 6 October 2021.

RECOMMENDATION

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

Petitioner's DD Form 214 executed on 6 June 2020 listed block 6 (Reserve obligation termination date) "6 October 2021" vice "6 March 2024."

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Petitioner's Reserve ECC was 13 November 2021.

A copy of this Report of Proceedings will 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.

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.

2/17/2023

