



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

█
Docket No. 0959-23

Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo, "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 a correction to his Certificate of Release or Discharge from Active Duty (DD Form 214) to reflect his previous period of honorable service.

2. The Board, consisting of █, █ and █, reviewed Petitioner's allegations of error and injustice on 15 February 2023 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, and applicable statutes, regulations, and policies, to include reference (b).

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 5 July 1995. Petitioner subsequently completed this enlistment with an Honorable characterization of service on 16 January 1999, and immediately reenlisted.

c. On 16 February 2000, Petitioner was convicted by a special court-martial (SPCM) of wrongful use of marijuana, two specifications of larceny and wrongfully opening mail addressed to other Marines. As punishment, Petitioner was sentenced to confinement, forfeiture of pay,

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reduction in rank, and a Bad Conduct Discharge (BCD). The BCD was subsequently approved at all levels of review and, on 30 October 2002, Petitioner was so discharged. Upon his discharge, he was issued a DD Form 214 that did not reflect his first enlistment period of active service that was served honorably.

d. Petitioner contends that the record suggest he had one enlistment and did not serve honorably at all. He argues that during his first enlistment, he earned several awards, served in hostile environments and situations, which caused post-traumatic stress disorder (PTSD), severe depression and anxiety. Petitioner further states he cannot receive any medical assistance because of this clerical error.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that given the totality of his circumstances, Petitioner's request merits relief.

After review of Petitioner's official military personnel file (OMPF), the Board noted Petitioner has a period of honorable service from "5 July 1995 to 16 January 1999." The Board determined Petitioner's DD Form 214 fails to document this period of service.

Applicable regulations authorizes the language "Continuous Honorable Active Service" in Block 18 (Remarks) of the DD Form 214, when a service member has previously reenlisted without being issued a DD Form 214, and was separated with a discharge characterization except "Honorable," as is the case at present. As a result, the Board determined Petitioner's naval record shall be corrected to reflect his continuous honorable active service.

RECOMMENDATION:

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

That Petitioner's naval record be corrected to show his period of service from "5 July 1995 to 16 January 1999" as Honorable. Petitioner shall be issued a DD Form 215 with correction to the Remarks Section, Block 18, annotating "Continuous Honorable Active Service: "5 July 1995 to 16 January 1999."

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

That 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.

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

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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.

3/3/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]