



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

[REDACTED]
Docket No. 1307-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED]
[REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO P1900.16C
(c) MCO P1900.16D

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 include 2 years of active duty service on DD Form 214, Certificate of Release or Discharge from Active Duty ending on 1 May 1991. Additionally, Petitioner request the awards earned for the service in Desert Storm and time spent in [REDACTED]. Lastly, Petitioner contends he was incorrectly reduced in rank without just cause upon transfer from active duty reservist to active duty.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 13 April 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 17 February 1976, Petitioner enlisted in the U.S. Marine Corps Reserve (USMCR) for a term of 6-years and on 28 June 1976 requested discharge for enlistment into the Regular Component of the U. S. Marine Corps (USMC) effective 29 June 1976 for a term of 4 years.

b. On 28 June 1980, Petitioner released from active duty and transferred to USMCR. Petitioner issued DD Form 214 for active duty period of 29 June 1976 through 28 June 1980.

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- c. On 22 October 1980, Petitioner joined for duty with [REDACTED], [REDACTED], [REDACTED] (Reserve Class III).
- d. On 17 February 1982, Petitioner reenlisted in USMCR for 2 years in pay grade E-5.
- e. On 1 May 1982, Petitioner promoted to Staff Sergeant (SSgt)/E-6 in the USMCR.
- f. On 17 November 1982, Commandant of the Marine Corps (CMC) issued authorization for reenlistment in the USMC in the rank of Sergeant (Sgt)/E-5, with a date of rank effective on date of reenlistment.
- g. On 22 December 1982, Petitioner enlisted in USMC for 3 years in the rank of Sgt/E-5.
- h. On 10 May 1985, Petitioner discharged for immediate reenlistment and issued DD Form 214 for active duty period of 22 December 1982 through 10 May 1985.
- i. On 11 May 1985, Petitioner reenlist in USMC for 3 years and promoted to SSgt/E-6 effective 1 September 1987.
- j. On 31 March 1988, Petitioner reenlist for 3 years in USMC, however, his official military personnel file (OMPF) does not contain a DD Form 214 for the period of active duty from 11 May 1985 through 30 March 1988.
- k. On 1 May 1991, Petitioner discharged and issued DD Form 214 for period of active duty from 31 March 1988 through 1 May 1991.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded there is no evidence Petitioner was issued DD Form 214 for active duty service of 11 May 1985 through 30 March 1988 in accordance with reference (b).¹ Additionally, the Board determined Petitioner's rank was correctly reduced from SSgt/E-6 to Sgt/E-5 in 1982, as a result his enlistment in the Active Component. Therefore, the Board felt, under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner issued DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 11 May 1985 through 30 March 1988.

¹ Reference (b), the DD Form 214 was issued to Marines discharged for the purpose of immediate reenlistment in the Marine Corps and remaining on active duty. Reference (c), ended the authorization to issue a DD Form 214 to Marines discharged for the purpose of immediate reenlistment on 27 June 1989.

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Note: Headquarters Marine Corps will conducted an audit of Petitioner's record to determine what Decorations, Medals, Badges, Citations and Campaign ribbons he was eligible for but not previously recognized.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. The Board found Petitioner was reduced in rank upon changing from the Reserve Component to Active Component as directed by the CMC at the time of enlistment eligibility.

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.

5/8/2023

