



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

[REDACTED]
Docket No. 1319-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1223.1

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 block 3a of the Armed Forces of the United States Report of Transfer or Discharge (DD Form 214) dated 3 September 1959.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 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.¹

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 4 September 1956, Petitioner entered the Marine Corps on active duty.
- b. On 16 September 1958, Petitioner promoted to Sergeant/E-4.
- c. On 1 January 1959, Petitioner's rank title changed to Acting Sergeant/E-4.

d. On 3 September 1959, Petitioner was released from active duty and transferred to the Marine Corps Reserve. DD Form 214 dated 3 September 1959 reflects Corporal/E-4 in Block 3a (Grade, Rate or Rank). On 3 September 1962 Petitioner was discharged.

¹ In accordance with reference (b), a change to the rank structure eliminated the "Acting" ranks to include Acting Sergeant/E-4 effective 1 August 1960.

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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 Petitioner was released from active duty on 3 September 1959, prior to the rank structure changing on 1 August 1960; therefore, under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner's DD Form 214, Armed Forces of the United States Report of Transfer or Discharge dated 3 September 1959 is amended to reflect Block 3a (Grade, Rate or Rank) "Acting Sergeant E-4" vice "Corporal E-4". Note: Headquarters, U.S. Marine Corps will issue a DD Form 215 or a new DD Form 214 whichever one they deem appropriate.

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.

5/4/2023

[REDACTED]

Deputy Director

[REDACTED]