



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

[REDACTED]
Docket No. 2226-23

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
XXX XX [REDACTED] USMC

Ref: (a) 10 U.S.C. §1552

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 that his Certificate of Release or Discharge from Active Duty (DD Form 214) be corrected from the current documented "Mandatory Retirement (Disability Temporary)".

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 12 June 2023, and, pursuant to its regulations, determined 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 his naval service records, 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the U.S. Marine Corps on 18 November 1991. Petitioner was subsequently deemed unfit for continued naval service by the Physical Evaluation Board and transferred to the Temporary Disability Retired List (TDRL) effective 31 December 1994. Upon his transfer to the TDRL, Petitioner was issued a DD Form 214 that erroneously states in block 28 "Mandatory Retirement (Disability Temporary)." On 14 January 1997, the Physical Evaluation Board notified Commandant of the Marine Corps that Petitioner was to be removed from the TDRL and discharged with separation pay. However, there is no documentation of Petitioner's final discharge from the Marine Corps in his record.

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d. Petitioner contends the Office of Personnel Management will not accept this separation reason and he needs it corrected in order to add his military service to his current federal service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board determined that relief is warranted. Specifically, based on MARCORPSEPMAN, the Board found that block 28 of Petitioner's DD Form 214 should reflect "Placed on TDRL" vice "Mandatory Retirement (Disability Temporary)."

Additionally, the Board was unable to locate Petitioner's final discharge in his record. Therefore, the Board concluded it was in the interests of justice to direct HQMC to reissue Petitioner a letter to documenting his final discharge from the Marine Corps upon his release from the TDRL.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a Correction of Release or Discharge from Active Duty (DD Form 215) indicating in block 28, his narrative reason for separation as "Placed on TDRL."

HQMC reissue Petitioner a letter documenting his discharge from the Marine Corps effective upon his release from the TDRL.

No further changes be made to Petitioner's record.

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 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.

6/15/2023

