



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

█
Docket No. 2550-23
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

Encl: (1) DD Form 149
(2) Naval record (excerpts)

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 his characterization of service be changed to Honorable due to serving on active duty over 180 days. Enclosures (1) and (2) apply.
2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error on 12 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 her service record, and applicable statutes, regulations, and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error 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 and began a period of active duty on 27 December 2005. On 11 April 2006, he was placed on light limited duty for 30 days for a fallen arch. Then on 20 April 2006, he was issued a counseling warning for a diagnosis of a physical condition note being a disability (fallen arch both) and any resultant or aggravated condition which interferes with the effective performance of his duties. He was ordered to follow orders of the health care providers.

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XXX XX [REDACTED] USMC

d. On 14 June 2006, medical recommended to the Commanding Officer (CO) that he be separated. On 26 June 2006, the 181st day of Petitioner's active duty, his CO notified him for separation for Physical condition, not a disability. The same day, the CO made his recommendation to the Separation Authority (SA) that Petitioner receive an Honorable characterization of service. However, 29 June 2006, the SA directed Petitioner be discharge with an uncharacterized entry-level separation. He was so discharged on 30 June 2006. His final conduct and proficiency trait averages were 4.4.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board determined that the Petitioner's record warrants relief. The Board noted the Petitioner was notified for separation after serving more than 180 days of active duty service and, according to applicable regulations, should have been assigned a characterization of service based on his trait averages. Based on his 4.4 conduct and proficiency trait averages, the Board determined Petitioner should have received an Honorable characterization of service as recommended by his commanding officer. Therefore, the Board determined an error exists in Petitioner's record that requires correction.

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

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 30 June 2006, with an "Honorable" for characterization of service.

No other changes to his record are required.

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 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.

4/19/2023

[REDACTED]
Executive Director

Signed by: [REDACTED]