



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

█
Docket No. 2707-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █,
█ USMCR

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) █, █ History and Physical notes of 15 Jan 10
(3) Administrative Remarks (page 11) entry of 2 Feb 10
(4) Chairman BCNR ltr RJO Docket No: 7119-14 of 2 Sep 15

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting an Honorable Discharge Certificate.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 11 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 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, 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. In January 2010, Petitioner was injured while a passenger in a fire truck rollover that resulted in serious injuries and involved prolonged medical care while in an inactive status. Enclosure (2).

b. On 2 February 2010, Petitioner was issued a counseling entry for unauthorized absence from 22 January 2010 to 24 January 2010. The entry was annotated "SNM Not Available." Enclosure (3).

c. On 2 September 2015, the Board determined that Petitioner's separation code JFVI (Condition, Not a Disability) was not appropriate due to the seriousness of his injuries and

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condition at the time of his discharge. His separation code should indicate that he was separated for a non-compensable disability. In addition, the Board noted that Petitioner was improperly identified as a deserter during the time he was being treated for the serious injury that led to his discharge and his record contains a page 11 counseling for failing to report to duty. The Board directed a correction to Petitioner's record by changing his separation code to JFR (disability – Non EPTS – no Severance Pay) and removing all references to his deserter status. Enclosure (4).

d. In his application, Petitioner contends that his discharge was overturned from Deserter - Dishonorable to Honorable - Medical. Petitioner claims he never received a discharge paper from his reserve station that shows the corrected discharge. Enclosure (1).

CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found the existence of an error warranting corrective action.

The Board noted the previous Board's decision to correct Petitioner's separation code and to remove his deserter status. Based upon the previous Board's corrective action, the Board determined that Petitioner is entitled to receive a Discharge Certificate. In addition, the Board determined that enclosure (3) was issued in error and not warranted due to Petitioner's medical status. Accordingly, the Board concluded that enclosure (3) should be removed.

RECOMMENDATION

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

Petitioner's naval record be corrected by issuing a DD Form 256, Honorable Discharge Certificate.

Petitioner naval record be corrected by removing enclosure (3).

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/2/2023

