



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

[REDACTED]  
Docket No. 4081-23

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
[REDACTED] USMCR

Ref: (a) 10 U.S.C. §1552  
(b) USECDEF Memo of 25 July 2018 "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

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 discharge be upgraded from Other than Honorable (OTH) to Honorable since he was discharged for medical discharge.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Petitioner enlisted in the U.S. Marine Corps Reserve and began a period of active duty for training on 10 June 2003 that ended on 24 February 2004. Subsequently he began his Ready Reserve period of service on 25 February 2004.

b. On 24 July 2007, Commander, Marine Forces Reserve directed [REDACTED] Assault Amphibian Battalion to initiate separation processing of Petitioner based on a BUMED determination that he did not meet physical qualifications for retention in the Marine Corps Reserve. It was directed that Petitioner be assigned a separation program designator code of JFR3 (Involuntary discharge,

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disability without severance pay, not in the line of duty no misconduct), issued a discharge certificate, and Honorable discharge button.

c. Petitioner's record is incomplete, in that it does not contain the documents pertinent to the administrative separation processing. However, whenever official records are incomplete or unavailable, unless there is substantial credible evidence to rebut the presumption, the Board can presume a regularity in the conduct of the government affairs. Based on the information contained in Petitioner's record, it appears he was discharged with an Honorable characterization. The Board found no evidence in Petitioner's record that he was assigned an OTH characterization of service.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. In light of reference (b), the Board concluded Petitioner should be reissued separation documentation indicating he was discharged with an Honorable characterization of service.

#### RECOMMENDATION

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

Petitioner be issued separation documentation showing he was separated with an Honorable characterization of service, with a narrative reason for separation of "Involuntary Discharge, Disability," separation code "JFR3," and reentry code of "RE-3P."

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.

6/13/2023

