



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

█
Docket No. 5052-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER █
XXX XX █/█ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO P1900.16F

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 promotion to Sergeant/E-5 on DD Form 214, Certificate of Release or Discharge from Active Duty ending on 25 May 2007.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 21 September 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.

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 28 June 1998, Petitioner served on active duty from 11 January 1999 to 10 January 2003. Petitioner's DD Form 214 reflects rank/paygrade as Corporal/E-4 with date of rank as 1 October 2001.

b. On 11 January 2003, Petitioner joined to the Marine Corps Reserve Individual Ready Reserve (IRR).

c. On 19 December 2005, Petitioner joined the Selected Marine Corps Reserve with █
█, █.

d. On 19 June 2006, Petitioner entered active duty status for "TAD [temporary additional duty] EXCESS."

e. On 25 June 2006, Petitioner extended for 6 months "To have sufficient obligated time on contract in order to take a physical."

f. On 1 July 2006, Petitioner promoted to Sergeant/E-5 in the U.S. Marine Corps Reserve (USMCR).

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

g. On 2 October 2006, Petitioner reenlist in USMCR for 2 years in paygrade E-5.

h. On 25 May 2007, Petitioner released from active duty and transferred to USMCR.

i. On 28 July 2011, Petitioner administratively reissued DD Form 214 for period of active duty from 19 June 2006 to 25 May 2007, but Petitioner was not available for signature. The DD Form 214 reflects: Block 4a (Grade, Rate or Rank) "CPL"; Block 4b (Pay Grade) "E-4"; and Block 12i (Effective Date of Pay Grade) "2001 10 01."

j. On 2 August 2007, Petitioner transferred to IRR and thereafter, honorably discharged from USMCR on 1 October 2008.

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 the DD Form 214 reissued on 28 July 2011 for the active duty period of 19 June 2006 to 25 May 2007 did not account for Petitioner's promotion effective 1 July 2006 in accordance with reference (b). Therefore, the Board agreed, under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner's DD Form 214, Certificate of Release or Discharge from Active Duty for period of active duty from 19 June 2006 to 25 May 2007 is amended to reflect: Block 4a (Grade, Rate or Rank) "SGT" vice "CPL"; Block 4b (Pay Grade) "E-5" vice "E-4"; and Block 12i (Effective Date of Pay Grade) "2006 07 01" vice "2001 10 01. 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.

10/2/2023

