



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

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Docket No. 5394-23
Ref: Signature Date

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Dear █,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 5 October 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In accordance with MCO P1900.16A of 28 June 1972, the DD 214 MC is designed to provide: The individual serviceman with a brief, clear-cut record of a term of active service with the Armed Forces at the time of his transfer, release, or discharge from that term of active duty, or when he undergoes a change of status or component while on active duty.¹

On 20 February 1974, you signed a statement of understanding upon enlistment in Marine Corps and/or Marine Reserve (NAVMC 10479) reflecting military obligations assumed by you upon your enlistment in the Marine Corps and/or Marine Corps Reserve. On 21 February 1974, you signed enlistment Contract—Armed Forces of the United States (DD Form 4), enlisting in the Marine Corps

¹ The DD 214 MC will be prepared and delivered co personnel upon: Release from active service. Except as provided in paragraph 4, below, DD 214 will be furnished to each person at the time of his separation from a period of active service with an Armed Force. This includes separation from a period of actual or apparent (de jure or de facto) service as well as release from an enlistment that is void by reason of minority.

Reserve for 6 years with an expiration of obligated service of 20 February 1980. On 6 May 1974, you signed enlistment contract—DD Form 4, enlisting in the Marine Corps for 4 years with an end of current contract of 5 May 1978. You were discharged with a General Discharge (Under Honorable Conditions) character of service and you were issued a Report of Separation from Active Duty (DD Form 214MC) for the period of 6 May 1974 to 31 March 1976 for involuntary discharge by direction of competent authority (below executive or secretarial level) without board action.

On 5 June 2015, Headquarters, U.S. Marine Corps notified you that this is in reply to your letter of August 7, 2014. Your DD Form 214, item 15, is correct as shown. A copy of your enlistment contract is furnished for your information and use. A copy of your letter has been forwarded to the Manpower Management Medals and Awards Branch, MMMA, for direct reply to you regarding the medals and awards. On 24 April 2018, Headquarters, U.S. Marine Corps notified you that this is in response to your request of June 5, 2017. Upon review of your DD Form 214, item 15, is correct as shown. A copy of your enlistment contract is furnished for your information and use.

You requested to correct the date you entered active service on your DD Form 214 from 6 May 1974 to 3 May 1973. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that there is no evidence in your official military personnel file (OMPF) of service in 1973. You provided an incomplete, modified, and unsigned DD Form 4 showing a date of enlistment / induction of 6 May 1974 and listing prior service in the USMCRJ from 21 February 1974 to 5 May 1975. The Prior service entries were modified to read May 1973 to May 1976. Your OMPF contains a DD Form 4 showing you enlisted in the U.S. Marine Corps for 4 years, signed by you on 6 May 1974. In accordance with MCO P1900.16A, a DD Form 214 is issued to record of a term of *active service*. The Board determined that because you entered active service on 6 May 1974, supported by your OMPF, a change to your DD Form 214 is not warranted.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

10/12/2023

