



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. 6023-23
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 21 November 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.

You requested issuance of a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 1 November 1976 to 29 November 1979. 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 your official military personnel file (OMPF) reflects that you enlisted into the Marine Corps Reserve on 13 May 1976. You served on active duty from 24 June 1976 to 31 October 1976. Thereafter, you were released from active duty, issued a DD Form 214 and transferred to the Marine Corps Reserve to complete your military service obligation. On 14 December 1976, you enlisted in the Marine Corps and entered active duty. You discharged on 29 November 1979 for immediate reenlistment; your OMPF did not reflect that a DD Form 214 was initially issued. On 30 November 1979, you reenlisted and discharged on 30 January 1985 for immediate reenlistment and issued a DD Form 214. Your last period of active duty service was from 31 January 1985 to 15 June 1988; a DD Form 214 was issued.

The Board agreed that you maintained continuous service from 13 May 1976 through 15 June 1988, however from 1 November through 13 December 1976, you were in the Reserve component not on active duty. The Board noted that a DD Form 214 is only issued for active

duty service, thus rendering you ineligible for a DD Form 214 while serving in the Reserve component. Conversely, Headquarters Marine Corps issued you the enclosed missing DD Form 214 for the period of 14 December 1976 to 29 November 1979.

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,

11/29/2023

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Deputy Director

Signed by: █

Enclosure: DD Form 214 dated 10 Oct 2023