



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

■
Docket No. 10191-23
Ref: Signature Date



Dear Petitioner:

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 15 December 2023. The names and votes of the panel members 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 the 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 enlisted in the Marine Corps Reserves on 22 March 1976. On 10 June 1976, you were assigned to ■■■■■ on active duty status for training. On 1 September 1976, you were discharged from active duty and transferred to your parent organization. On 21 September 1982, you were honorably discharged from the Marine Corps Reserves by reason of completion of required military service.

The Board carefully weighed all of the factors you presented to support your request to be issued a Certificate of Release or Discharge from Active Duty (DD Form 214). These included, but were not limited to, your desire for a DD Form 214 to qualify for veterans benefits.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In making this finding, the Board noted that the Marine Corps Separation and Retirement Manual (MCO P9100.16a), dated 1972, states that a DD Form 214 will be issued to individuals who were released from a period of active duty for training of 90 days or more. However, upon review of all the information available in your service records, the Board

concluded that you only served a period of active duty lasting 83 consecutive days. As a result, the Board noted you were not eligible for a DD Form 215 and issued the appropriate discharge document based on applicable regulations. The Board noted your honorable and faithful service in the USMC Reserves, however, upon review of the evidence provided, the Board determined that insufficient evidence of error or injustice exists to change your record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

1/12/2024

