



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

█
Docket No. 466-24
Ref: Signature Date

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

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

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

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 a discharge characterization upgrade to Honorable and the addition of the National Defense Service Medal on her Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosure (2) applies.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 29 January 2024, 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, policies to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 26 February 2001. On 7 June 2002, Petitioner was counseled concerning diagnosed physical condition not a disability which was interfering with the effective performance of her duties. Subsequently, Petitioner was advised that failure to take corrective action may result in administrative separation.

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On 7 June 2001, Petitioner was notified of the initiation of administrative separation proceedings by reason of a physical condition not a disability, at which point, she decided to waive her procedural rights. On 1 October 2001, Petitioner was evaluated by a medical officer as a result of a history of chronic lower back pain and patellofemoral syndrome since boot camp. During the evaluation, Petitioner refused further treatment and waived her rights to a Physical Evaluation Board (PEB). On 25 October 2001, the Petitioner's commanding officer recommended an uncharacterized entry-level separation by reason of a physical condition, not a disability. Subsequently, the separation authority approved the recommendation and ordered that Petitioner be administratively separated from the Marine Corps. On 3 November 2001, Petitioner was so discharged.

d. Petitioner contends she served over 180 days before she was released as a result of a medical condition. Petitioner is also requesting the addition of the National Defense Service Medal based on her service.

CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's request warrants partial relief. Specifically, the Board determined that Petitioner meets the requirements for the National Defense Service Medal.

Regarding her request for an Honorable characterization of service, the Board noted Petitioner was notified of the initiation of administrative separation processing 102 days after entering active service. Applicable regulations direct an uncharacterized entry level separation if the processing of an individual's separation begins within the first 180 days of the individual's entry on active service. While there are exceptions to this policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applied to Petitioner's case. Therefore, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner an Honorable characterization of service.

RECOMMENDATION:

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

That Petitioner be issued a "Correction to DD Form 214, Certificate of Release or Discharge from Active Duty" (DD Form 215), for the period ending 3 November 2001, indicating the addition of the National Defense Service Medal in block 13.

That 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.

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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.

2/27/2024

