



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 7800-01  
20 November 2001

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps Reserve filed enclosure (1) with this Board requesting that his record be corrected to show he was honorably discharged on 28 April 1997.

2. The Board, consisting of Mr. Dunn, Mr. Neuschafer and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 14 November 2001 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, naval records, 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, 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps Reserve on 25 March 1994 at age 22. The record shows that on 25 March 1997 Petitioner requested a conditional release from the Marine Corps Reserve so he could enlist in the National Guard. This request was approved by the commanding general. On 29 April 1997 he enlisted in the National Guard.

d. Apparently, Petitioner's reserve unit was unaware of the enlistment in the National Guard since no action was taken until 2 December 1998. On that date notification was sent to his last known address informing him that he was being processed for discharge due to unsatisfactory participation. When no response was received, discharge processing continued. On 25 May 1999 the

discharge authority directed discharge under other than honorable conditions due to his failure to participate, and he was so discharged on 15 August 1999.

e. Petitioner was honorably discharged from his National Guard Enlistment on 28 April 2000.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board is aware that an individual cannot be in two service components at the same time. Since his conditional release to enter the National Guard was approved, and he actually enlisted in the Guard, it is clear that his honorable discharge from the Marine Corps Reserve should have occurred on 28 April 1997. Therefore all entries in the record after 28 April 1997 are in error and should be removed from the record.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge on 28 April 1997.

b. That Petitioner's naval record be further corrected by removing all documentation after 28 April 1997 concerning his discharge processing for failure to participate and discharge under other than honorable conditions.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

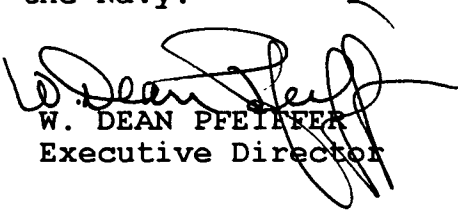
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director