



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

Docket No. 5710-17

DEC 04 2016

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USMC,
XXX XX [REDACTED]

Ref: (a) Title 10 U.S.C. §1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that his Entry Level Separation discharge be changed to an Honorable. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 November 2017 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 application, together with all material submitted in support thereof, relevant portions of Petitioner's naval record 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute limitation and review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 7 May 1985. Petitioner's record reflects that he received medical attention on multiple occasions for his intolerance to heat and was admitted to a Naval hospital twice for heat exhaustion and heat stroke. Due to his repeated heat exhaustion condition, it was concluded that it was unlikely that he would complete recruit training. As a result of the foregoing, administrative discharge action was initiated. The Board noted that he was notified of his separation processing within 180 days of the beginning of his period of active service. Applicable regulations authorize an uncharacterized entry level separation if the processing of an individual's separation begins within 180 days of the individual's entry on active service. His separation was for a condition not a physical disability

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which interferes with performance of duty and is not considered to be a punitive discharge. On 9 July 1985, he was discharged.

CONCLUSION

After considering enclosures (1) – (3), the Board concludes that Petitioner's request warrants partial relief in the form of changing Petitioner's characterization of service to an uncharacterized and the narrative reason for separation to secretarial authority. The Board noted that normally a DD Form 215 would be issued to correct the record. However, issuing a new DD Form 214 will allow the Petitioner to obtain employment without being subject to otherwise invasive questions about personal matters.

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

RECOMMENDATION:

That Petitioner's naval record be corrected to show that on 9 July 1985, the characterization of service was "uncharacterized," and that his narrative reason for separation be changed to read "secretarial authority".

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

That no further relief be granted.

That a copy of this report of proceedings be filed in Petitioner's naval record.

That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 28 June 2017.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)), 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.

[REDACTED]
Recorder