



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

█
Docket No: 2964-19
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: 10 U.S.C. § 1552

Encl: (1) DD Form 149 (NR20190002964)
(2) Case Summary

1. Pursuant to the provisions of the reference, Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board, requesting correction of the social security number (SSN) reflected in his naval records and an upgrade to his discharge characterization from other than honorable to honorable. Enclosures (1) and (2) apply.

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 20 July 2020, 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, relevant portions of Petitioner's naval service 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. 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 served from 19 May 1997 to 21 January 1998.

d. Petitioner received non-judicial punishment (NJP) on 30 October 1997 for willfully destroying government property in violation of Article 108, Uniform Code of Military Justice (UCMJ). On 5 December 1997, Petitioner received a second NJP for unauthorized absence (UA) in violation of Article 86, UCMJ, larceny in violation of Article 128, UCMJ, and assaulting a noncommissioned officer in violation of Article 128, UCMJ. On 19 December 1997, Petitioner received a third NJP for two specifications of failure to obey a lawful order in violation of Article 92, UCMJ, willfully damaging government property in violation of Article 108, UCMJ,

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two specifications of larceny in violation of Article 121, UCMJ, uttering a worthless check in violation of Article 123, UCMJ, and impersonating a noncommissioned officer in violation of Article 134, UCMJ.

e. By memorandum dated 19 December 2019, Petitioner was notified that he was being recommended for administrative separation due to his pattern of misconduct.

f. Petitioner was separated from the Marine Corps on 21 January 1998 under other than honorable conditions based on a pattern of misconduct. He received a DD Form 214 (Certificate of Release or Discharge from Active Duty) reflecting this characterization of service, a reentry (RE) code of RE-4, and his SSN as [REDACTED]

g. Petitioner asserts that the SSN reflected on his DD Form 214 is erroneous, in that his SSN is actually [REDACTED]. The latter is reflected in Petitioner's service records, as well as on the SSN card provided by the Petitioner.

CONCLUSION:

The Board, in its review of Petitioner's entire record and application, carefully weighed Petitioner's contentions and the evidence he provided. The Board relied on the information reflected throughout Petitioner's service record, which reflects a SSN of [REDACTED] and concluded that the SSN of [REDACTED] reflected on his DD Form 214 was a clerical error. The Board determined that Petitioner is entitled to corrective action with respect to a change to his SSN on his DD Form 214.

The Board also considered Petitioner's request for an upgrade to his characterization of service. It reviewed his entire record and application, and carefully weighed all potentially mitigating factors. The Board noted that Petitioner did not provide supporting evidence or information to justify his requested upgrade. Based on the information in his service record, specifically his three NJPs for various infractions including larceny and destruction of government property, the Board concluded that the other than honorable discharge was issued without error or injustice. Accordingly, the Board found that an upgrade to Petitioner's characterization of service is not warranted.

RECOMMENDATION:

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

That Petitioner be issued a correction to his DD Form 214 reflecting his correct SSN of [REDACTED]

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 10 January 2020.

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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.

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.

10/19/2020

[REDACTED]

Executive Director

Signed by: [REDACTED]