



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

█  
Docket No. 8865-23

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █  
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Ref: (a) 10 U.S.C. §1552  
(b) USECDEF Memo of 25 July 2018 "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

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 his an upgrade in his reentry code.

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 14 February 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, and 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 U.S. Marine Corps and began a period of active duty on 13 May 1992.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

d. On 2 October 1992, the Petitioner was seen by the Podiatry and was diagnosed with metatarsalgia secondary to equine syndrome, limited ankle dorsiflexion; a condition that existed prior to his entry into the Marine Corps. It was recommended that the Petitioner be discharged.

e. Petitioner received a counseling warning on 9 October 1992 for his physical performance due to lack of strength and endurance and further, if the physical deficiencies continue, he was warned he could be processed for medical separation.

f. Petitioner was notified of administrative separation processing for convenience of the government, due to a physical condition not a disability. The Commanding Officer (CO) made his recommendation to the Separation Authority (SA) that Petitioner be discharged for his preexisting condition. The SA accepted the recommendation and directed Petitioner's discharge. He was so discharged on 6 November 1992 with a RE-3P reentry code.

g. Petitioner contended that his discharge was not properly explained to him fully and had he stayed, his discharge would have read "medical" discharge.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo.

While the Board does not find an error in Petitioner's basis for separation, it concluded relief is appropriate in his case to correct a potential injustice. In making this finding, the Board noted Petitioner's reason of separation should be changed to eliminate any potential stigma associated with his narrative reason for separation as listed on his DD Form 214.

Therefore, after reviewing the record holistically and given the totality of the circumstances, the Board determined Petitioner's reason for separation should be changed to Secretary Authority.

Notwithstanding the recommended corrective action below, the Board was not willing to grant a change to the reentry code. The Board determined that the assigned reentry code remain appropriate in light of the Petitioner's medical condition that formed the basis for his separation. In making this finding, the Board noted that his assigned reentry code is waivable and not considered adverse. Finally, the Board disagreed with Petitioner's contention that he would have qualified for a disability discharge if he had been allowed to remain in the Marine Corps. Even if Petitioner had been allowed to remain in the Marine Corps, the Board noted that Petitioner's ankle condition preexisted his entry into the Marine Corps; therefore it was not a qualifying disability condition warranting a referral to the Disability Evaluation System. Therefore, the Board found no basis to grant Petitioner's requested relief and determined that any injustice in his record is adequately addressed by the recommended corrective action.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

RECOMMENDATION:

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

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 6 November 1992, he was discharged under the authority of "MARCORSEPMAN par 6214," for the narrative reason of "Secretarial Authority," with a separation code of "JFF1."

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.

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.

2/26/2024

