ATTEN OF THE STATE OF THE STATE

DEPARTMENT OF THE NAVY

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

> Docket No. 6744-24 Ref: Signature Date

From:	Chairman, Board for Correction of Naval Records
To:	Secretary of the Navy
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Subj:	REVIEW OF NAVAL RECORD OF FORMER
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Ref: (a) Title 10 U.S.C. § 1552

(b) Petitioner's Case File

Encl: (1) DD Form 149

- 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 that his naval record be corrected by issuing a Certificate of Release or Discharge From Active Duty (DD Form 214) that states he was discharge due to a service connected disability as the narrative reason for separation.
- 2. The Board, consisting of _____, and ____, and ____, reviewed Petitioner's allegations of error and injustice on 3 October 2024 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 the 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. Petitioner enlisted in the United States Marine Corps Reserve (USMCR) on 15 June 1998. He underwent initial active duty training from 3 June 1999 to 21 August 1999. Petitioner subsequently served periods of active duty from 23 June 2000 to 1 August 2000 and 12 June 2001 to 6 July 2001, receiving an Honorable characterization of service for both periods. On 11 January 2003, Petitioner went to medical due to injuring his left knee while working in the field during drill weekend. Petitioner received pain medication and was instructed to follow up for an evaluation if there was no improvement. On 11 June 2004, Petitioner received mobilization orders for 28 June 2004 to 28 June 2005.
 - c. Petitioner mobilized on 28 June 2004. On 16 July 2004, the

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recommended to the Commanding Officer, to demobilize Petitioner. Based on his medical evaluation, the Battalion Surgeon found Petitioner not physically qualified for deployment to Iraq due to his left knee injury. Petitioner was demobilized on 22 September 2004 and ultimately discharged from the USMCR on 14 June 2006. There is no evidence of a DD Form 214 in Petitioner's record documenting this period of active duty.

- d. On 19 October 2012, the Department of Veterans Affairs (VA) service-connected Petitioner's left knee injury. However, the VA rejected Petitioner's claim for education benefits due to insufficient evidence of active-duty service after 11 September 2001. In 2018, Petitioner submitted a request to the Board requesting a DD Form 214. The Board denied the request, stating Petitioner had not exhausted all administrative remedies; specifically, requesting a DD-214 from Headquarters Marine Corps.
- e. For this request, Petitioner contends he was required to demobilize in 2004 due to his left knee injury. He further argues he served on active duty from 28 June 2004 to 22 September 2004 and rates a DD Form 214. He further contends that he has requested a DD Form 214 from Marine Corps Reserve Affairs, Marine Corps Installation Personnel Administrative Center and the Reserve Medical Entitlement Determination Program, all of which directed him to submit a petition to the Board.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting partial relief. Specifically, the Board noted according to Petitioner's statement of service, Petitioner did serve a period of active duty from 28 June 2004 to 22 September 2004. The Board concluded Petitioner warrants a DD Form 214 for that period of service.

Notwithstanding the recommended corrective action below, the Board concluded the preponderance of the evidence does not support any other relief requested by the Petitioner. Specifically, the Board concluded insufficient evidence of error or injustice exists to mandate a specific narrative reason for separation, as there was insufficient evidence in Petitioner's record to conclude, by the preponderance of the evidence, the reason he was separated from active duty on 22 September 2004.

RECOMMENDATION

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

Issue Petitioner a Certificate of Release or Discharge from Active Duty (DD Form 214) for his active-duty service from 28 June 2004 to 22 September 2004, with a narrative reason and corresponding Separation Program Designator code as warranted by his record.

Note: Headquarters Marine Corps will correct any other entries affected by the Board's recommendation.

That a copy of this report of proceedings be filed in Petitioner's naval record. That no further changes be made to 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 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

