



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

[REDACTED]
Docket No. 7513-24

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USN, [REDACTED]

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 with attachment

(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 to correct prior active service time be corrected on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (2) apply.

2. The Board, consisting of [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 9 October 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 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, the statute of limitation was waived in the interests of justice.

c. Petitioner enlisted in the U.S. Marine Corps Reserve and began a period of active duty in May 1988. He was released from initial tour of active duty for training in December 1988.

d. Petitioner subsequently enlisted in the U.S. Navy and began a period of active duty on 25 July 1989.

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e. On 26 September 1989, Petitioner was convicted by a special court-martial (SPCM) for larceny and wrongful appropriation. Petitioner was sentenced to forfeiture of pay and an oral reprimand.

f. On 7 March 1990, Petitioner received non-judicial punishment (NJP) for two days unauthorized absence (UA). On 13 August 1990, Petitioner received his second NJP for seven days UA.

g. On 9 February 1991, Petitioner was convicted by a summary court-martial (SCM) of 15 specifications of forgery and four specifications of defrauding and obtaining services under false pretenses.

h. On 28 October 1991, Petitioner was convicted by a general court-martial (GCM) of two specifications of UA, five specifications of larceny wrongful appropriation, and three specifications of 134. Petitioner was sentenced to forfeiture of pay, a fine, confinement, and a Bad Conduct Discharge (BCD). After completion all levels of review, Petitioner was so discharged on 14 September 1993. He was issued a DD Form 214 that did not reflect his prior period of service with the Marine Corps Reserve.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief.

The Board determined it was in the interests of justice to properly document Petitioner's prior military service with the Marine Corps on his final DD Form 214. Therefore, the Board concluded the Navy shall conduct a review of Petitioner's service in the U.S. Marine Corps and issue a correction as required.

RECOMMENDATION:

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

Navy Personnel Command conduct a review of Petitioner's record to determine whether any changes are required to Petitioner's DD Form 214 to accurately document his prior military service with the Marine Corps.

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 14 September 1993, correcting Block 12 as required.

No further changes be made to Petitioner's record.

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

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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.

10/30/2024

