



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

[REDACTED]
Docket No. 1078-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
[REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552
(b) SECNAVINST 1850.4E (Disability Evaluation Manual)
(c) MARCORSEPMAN, par. 1004.5

Encl: (1) DD Form 149 w/ enclosures

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 uncharacterized discharge be upgraded to "Honorable." Enclosure (1) applies.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 28 February 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include references (b) and (c).

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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the Marine Corps and began a period of active duty on 8 December 2008.

c. On 15 April 2009, a Physical Evaluation Board (PEB) found Petitioner unfit to perform his duties as a Marine and recommended he be transferred to the Temporary Disability Retired List (TDRL). Petitioner was released from active duty on 30 May 2009 and transferred to the TDRL. Upon his release from active duty, he was issued a DD Form 214 that annotated his character of service as "Uncharacterized."

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d. Petitioner's disability was ultimately found to be permanent with a final disability rating of less than 30 percent. On 12 August 2011, Petitioner was notified of his final discharge by reason of physical disability with non-combat severance pay.

CONCLUSION:

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

Specifically, the Board found that Petitioner was released from active duty based on a finding of unfitness by the PEB and transferred to the TDRL. Although service which does not exceed 180 days of continuous active duty service shall normally remain uncharacterized, reference (c), paragraph 1004.5, specifies an exception that states, "Honorable characterization will be considered when the Marine is separated by reason of ... disability." The Board concluded that Petitioner's transfer to the TDRL fell within the referenced exception and his DD Form 214 merits a change to reflect an Honorable characterization of service.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending 30 May 2009, he was transferred to the TDRL with an "Honorable" character of service.

That 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.

3/25/2025

