



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 3557-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
██████████ USMC

Ref: (a) 10 U.S.C. § 1552
(b) MCO 1900.16-1004 (MARCORSEPMAN)
(c) DoDI 1332.14 (Enlisted Administrative Separations)

Encl: (1) DD Form 149 w/enclosures
(2) Memorandum of Pretrial Agreement, 28 Mar 23
(3) Record of Conviction by Court-Martial (1071), 31 Mar 23
(4) DD Form 214
(5) CG, Training Command ltr 1900, subj: Recommendation for Administrative Discharge of Petitioner, 31 Aug 23
(6) NDRB Discharge Review Decisional Document, 1 May 24

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), that his naval record be corrected by restoring his rank to E-7, and that he be given any other appropriate relief.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 7 January 2026 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 records, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds the following:

a. On 17 March 2023, pursuant to a pre-trial agreement (PTA), Petitioner pled guilty at Special Court-Martial (SPCM) to violating Article 128 of the Uniform Code of Military Justice (UCMJ). The military judge sentenced him to "no punishment." Enclosures (2) & (3).

b. As a condition of the PTA, Petitioner waived his right to an administrative discharge board (ADB). Consequently, on 13 September 2023, he was administratively discharged from the Marine Corps with an Other than Honorable (OTH) characterization of service by reason of misconduct, commission of a serious offense, with a reentry code of RE-4. Enclosure (4).

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c. Pursuant to reference (b), because Petitioner was an enlisted Marine serving in paygrade E-4 or above who received an OTH characterization of service, his rank was administratively reduced from E7 to E3 upon his separation. Enclosure (5).

d. Post-discharge, Petitioner applied to the Naval Discharge Review Board (NDRB) contending that his discharge should have been characterized as Honorable (HON) in accordance with references (b) and (c), because the offense to which he pled guilty at SPCM occurred during a previous enlistment and per reference (b), “characterization of the current enlistment...is determined by conduct, actions, or performance during that enlistment,” and “commission of other offenses for which punishment was not imposed or adjudged—cannot be considered in determining the characterization to be recommended for the current enlistment.” Additionally, per reference (c), characterization of service is based on the quality of service during the current enlistment. Petitioner also contended that because his SPCM resulted in “no punishment,” reference (c) prohibited characterization of his service as OTH unless such characterization was approved by the Secretary of the Navy. Enclosure (6).

e. On 1 May 2024, the NDRB, found that Petitioner’s discharge was improper and upgraded his characterization of service to HON, with a narrative reason for separation of “Secretarial Authority,” and a reentry code of RE-1A. Enclosure (6).

f. Petitioner contends (1) that his discharge and OTH characterization of service were legally impermissible under references (b) and (c), and that since the only basis for his reduction in rank was the improper OTH discharge, his reduction in rank was also improper; and (2) that even if his discharge were lawful, his rank should be restored as a matter of equity, because the single, isolated event on which the OTH discharge was based does not outweigh the positive and mitigating aspects of his career and the circumstances of his discharge. Enclosure (1).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board found the existence of material error and injustice in Petitioner’s record warranting relief. Specifically, the Board found that contention (1) had merit, in that the Board found that Petitioner’s reduction in rank was an automatic, administrative, result of his OTH characterization of service. Under reference (b), “When an enlisted Marine serving in pay grade E-4 or above is administratively separated with an other than honorable characterization of service, the Marine shall be administratively reduced to pay grade E-3, with such reduction to become effective upon separation. Therefore, because the NDRB has since changed his characterization to HON, the Board determined that the automatic reduction in rank is now invalid.

RECOMMENDATION

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

That Petitioner be issued a new DD Form 214, for the period ending 13 September 2023, with block 4.a as GYSGT, block 4.b as E-7, block 12i as 2022 07 01, block 24 as Honorable, block 25 as MARCORSEPMAN par 6214, block 26 as JFF1, block 27 as RE-1A, and block 28 as Secretarial Authority.

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That Petitioner be issued an Honorable Discharge Certificate.

That a copy of enclosure (6) be filed in Petitioner's naval record.

That 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.

1/13/2026

