



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

██████████
Docket No. 3663-25
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) MCO 1900.16F (MARCORSEPMAN)

- Encl:
- (1) DD Form 149 w/enclosures
 - (2) CO, ██████████ ltr 1900, subj: Notification of Separation Proceedings, 7 May 08
 - (3) [Petitioner] ltr 1900, subj: Acknowledgment of My Rights to be Exercised or Waived During Separation Proceedings, 7 May 08
 - (4) CO, ██████████ ltr 1900 Legal, subj: Recommendation for Administrative Discharge of [Petitioner], 7 May 08
 - (5) CO, ██████████ ltr 1910 Legal, First Endorsement on Enclosure (4), subj: Recommendation for Administrative Discharge of [Petitioner], 23 May 08
 - (6) Assistant Chief of Staff, Staff Judge Advocate ltr 1910 9A, subj: Staff Judge Advocate Review of Administrative Separation Request ICO [Petitioner], 15 Jul 08
 - (7) Depot Commander, ██████████ ltr 1910 5, Second Endorsement on Enclosure (4), subj: Administrative Separation ICO [Petitioner], 17 Jul 08
 - (8) DD Form 214
 - (9) Secretary of the Navy Council of Review Boards ltr 5810 MD23-6910, subj: Discharge Characterization Change, 30 Nov 23
 - (10) DD Form 214, HON

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 Sergeant/E-5.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 14 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:

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a. On 7 May 2008, Petitioner was notified of his Commanding Officer's (CO) intent to pursue administrative separation processing against him for misconduct, commission of a serious offense, resulting from a civilian arrest for burglary. Petitioner acknowledged his rights in the separation process and elected to consult with legal counsel. He later waived his right to appear before an administrative discharge board. Enclosures (2) and (3).

b. Also on 7 May 2008, Petitioner's Commanding Officer (CO), of [REDACTED], recommended his administrative separation, pursuant to the notification referenced above, with an Other Than Honorable (OTH) characterization of service. Enclosure (4).

c. Pursuant to a letter dated 23 May 2008, CO of the [REDACTED] favorably endorsed the recommendation for Petitioner's administrative separation with an Other Than Honorable (OTH) characterization of service. Enclosure (5).

d. Following Staff Judge Advocate (SJA) review of the separation process, and pursuant to a letter date 17 July 2008, the Separation Authority (SA) directed Petitioner's separation by reason of misconduct, commission of a serious offense, with an OTH characterization of service. The letter additionally directed Petitioner's automatic reduction in rank to Lance Corporal (E-3) in accordance with reference (b). Enclosures (6) and (7).

e. On 25 July 2008, Petitioner was discharged as directed. Enclosure (8).

f. On 22 May 2023, Petitioner applied to the Naval Discharge Review Board (NDRB) requesting a discharge upgrade to Honorable (HON), contending the totality of his service warranted an Honorable (HON) characterization and that his mental health conditions, specifically Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI), were mitigating factors in his misconduct. Enclosure (9).

g. On 1 November 2023, the NDRB decided in Petitioner's favor, finding that he had a mental health condition that existed during service, mitigated his misconduct, and outweighed his assigned discharge. The NDRB upgraded his characterization of service to HON, changed his narrative reason for separation, separation authority, and separation code to reflect a "Secretarial Authority" discharge. However, the NDRB did not reinstate Petitioner to his previous paygrade from which he was administratively reduced to E-3 as a result of his OTH discharge. Enclosures (9) and (10).

h. Petitioner contends his reduction in rank resulted from an administrative action resulting from an underlying civilian charge that was later dismissed by a civilian court. He also contends that, because his discharge has since been upgraded to HON by the NDRB, no valid reason remains for his reduction of rank. Enclosure (1).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. Reference (b) states, "When an enlisted Marine serving in pay grade E-4 or above is administratively separated with an other than honorable

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characterization of service, the Marine shall be administratively reduced to pay grade E-3, with such reduction to become effective upon separation.” The Board determined Petitioner’s automatic reduction in rank from E-5 to E-3 is no longer valid based on the NDRB’s decision to upgrade his characterization of service to HON and requires correction as a matter of injustice.

RECOMMENDATION

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

(1) Petitioner’s naval record be corrected by restoring his paygrade to E-5.

(2) That Petitioner be issued a new DD Form 214, for the period ending 25 July 2008, indicating his rate or rank as SGT and paygrade as E-5.

All other information on the DD Form 214 shall remain the same as enclosure (10).

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.

1/27/2026

