



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

██████████
Docket No. 3973-25
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) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

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 punitive discharge from the Marine Corps Reserve be upgraded to Honorable. Enclosure (1) applies.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 25 July 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 reference (b).

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 Marine Corps and commenced active duty on 12 February 2001. He was honorably discharged at the end of his required active service, on 11 February 2006, and transferred into the Individual Ready Reserve (IRR). At the time of his discharge, his Certificate of Discharge or Release from Active Duty (DD Form 214) included block 18 remarks informing him that he was subject to active duty recall or annual screening and was required to keep the Commanding ██████████ informed of any change of address.

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c. On 22 July 2005, in preparation of his completion of active duty, Petitioner submitted his separation data sheet; wherein he indicated that his terminal leave address would be at this home of record address in [REDACTED]t, [REDACTED]n.

d. Petitioner's home address during his active duty service was collocated near his duty station in [REDACTED], [REDACTED]. This address remained in his Basic Individual Record information as of 11 January 2006. However, his record of emergency data (RED) indicated that his spouse had relocated to an address in Michigan near his original home of record.

e. A printout of Petitioner's active duty separation information, dated 3 April 2006, identified his address as the same [REDACTED], [REDACTED], address originally provided as his home of record; indicating that Petitioner had confirmed his relocation from [REDACTED], [REDACTED] to his home state and he had provided an address at which he could be contacted during his IRR service.

f. On 5 April 2007, Petitioner was issued mobilization orders directing him to report for duty at [REDACTED]. These orders were addressed to Petitioner's previous active duty address in [REDACTED] and specified that travel reimbursement was not authorized because Petitioner resided locally. Neither the receiving nor reporting endorsements of these orders were signed.

g. Petitioner's official military personnel file (OMPF) contains a single page, partial document regarding the advice on the purpose and procedure for application to the Board for Correction of Naval Records (BCNR) and Naval Discharge Review Board (NDRB). This document advised Petitioner regarding the effect of an Other Than Honorable discharge (OTH) for an unauthorized absence (UA) of more than 180 days. This page was signed by a witness and by Petitioner; his signature was consistent with that observed elsewhere in his OMPF.

i. On 13 December 2007, [REDACTED] approved a recommendation for Petitioner's OTH discharge from the Marine Corps Reserve for the basis of failure to participate under the authority of Marine Corps Separation and Retirement Manual, paragraph 6213. There is no counseling entry documenting this decision; however, Petitioner's NAVMC 118 (3), Chronological Record, contains an entry dated 13 December 2007 with remarks of: "DISCHARGE HONORABLE. [REDACTED] entered by [REDACTED] [REDACTED]"

j. A copy of Petitioner's Reserve separation information, dated 28 February 2008, still identified Petitioner's home address as the previous [REDACTED], [REDACTED]; a residential address he used during his active duty service.

k. Petitioner contends that he served his active duty period honorably and, since his discharge, has worked in both government civil service and as a contractor, holding positions of public trust. He claims that he was unaware of his OTH discharge from the Marine Corps Reserve until he was notified of it in February of 2025 by the investigator conducting the background investigation for his Top Secret clearance. He further claims to believe that his OTH

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discharge is an error and states that he neither waived his right to a hearing before an administrative board nor did he receive such a hearing. He submitted copies of service records in support of his statement.

CONCLUSION:

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

The Board found insufficient evidence that Petitioner's OTH discharge from the Marine Corps Reserve was issued in error; notwithstanding the clear errors within his service record regarding proper documentation of his address for issuance of mobilization orders.

In this regard, although the Board observed that both the mobilization orders and Petitioner's final reserve separation information identified a J [REDACTED], [REDACTED], address; which was inconsistent with the last address provided by Petitioner incident to his discharge from active duty. However, the Board found insufficient evidence from Petitioner to substantiate that his actual address at the time the orders were issued was not, in fact, the address used in those orders. Rather, the Board assessed that the error regarding the address might have been sufficient to negate a presumption of regularity, with regard to Petitioner's contentions of lack of proper notice or waiver or rights, if Petitioner's OMPF record had not contained a signed document which notified him of the consequences of an OTH, for a prolonged period of UA incurred by failure to mobilize when ordered. Regardless of apparent errors with respect to Petitioner's correct mailing address and of Petitioner's claim that he was unaware of receiving an OTH discharge from the Marine Corps Reserve, the Board concluded that this advice page, signed by Petitioner and informing him of the purpose and procedure for applications to the Board or Naval Discharge Review Board, is sufficient evidence that Petitioner was, in fact, notified of his proposed administrative separation for the reason of failure to participate if he did not comply with his mobilization orders. As a result, the Board determined that the only error regarding Petitioner's OTH discharge was that it was incorrectly recorded in his Chronological Record as having an Honorable characterization.

However, the Board also reviewed Petitioner's record consistent with the guidance in reference (b). Based upon the totality of circumstances, to include his superlative service while on active duty, the Board determined that it was unduly harsh to characterize Petitioner's discharge from the IRR for failure to mobilize as having occurred under OTH conditions. Accordingly, the Board determined that it is in the interest of justice, purely as a matter of clemency and equity, to upgrade Petitioner's characterization of service to General (Under Honorable Conditions).

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. Based on Petitioner's refusal to execute his mobilization orders, the Board determined that a General (Under Honorable Conditions) discharge characterization, and no higher, was appropriate.

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

RECOMMENDATION:

That an administrative counseling entry be entered into Petitioner's OMPF documenting that he was discharge from the Marine Corps Reserve, on 13 December 2007, with a "General (Under Honorable Conditions)" characterization 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.

8/14/2025

