



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

█  
Docket No. 8544-25  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. §1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments  
(2) Naval record (excerpts)

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 for an upgrade of his characterization of service and removal of his RE-4 reentry code.
2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 13 February 2026 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 regulation within the Department of the Navy.
  - b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.
  - c. Petitioner enlisted in the Marine Corps and began a period of active duty on 25 May 2005.
  - d. Petitioner commenced a period of unauthorized absence (UA) on 20 September 2005 that ended after approximately 252 days. On 1 June 2006, Petitioner received non-judicial punishment (NJP) for his period of UA.
  - e. Consequently, Petitioner was notified that he was being recommended for administrative discharge from the Marine Corps by reason of misconduct due to commission of a serious offense. Petitioner was advised of his procedural rights and waived his rights to consult with counsel and to request a hearing before an administrative separation board. Petitioner's commanding officer recommended to the separation authority (SA) that Petitioner receive an

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[REDACTED] XXX XX [REDACTED] USMC

Other Than Honorable (OTH) characterization of service. The SA approved the recommendation and Petitioner was so discharged on 30 June 2006.

f. Petitioner contends the following injustices warranting relief:

(1) His discharge was the result of misconduct stemming from a medically documented injury during recruit training at [REDACTED];

(2) The injury continued and was mishandled by military staff, causing physical and mental distress;

(3) He has since served honorably as a police officer for 14 years and seeks to pursue advancement;

(4) He was 19, injured, overwhelmed, and unaware of the process, he believed the RE-4 code made him ineligible for further service; and

(5) He spent the next 20 years rebuilding his life - serving in law enforcement, raising a family, and living with integrity;

(6) His characterization of service and reentry code may limit his professional opportunities for advancement.

g. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which included his DD Form 149, personal statement, copies of his post-service medical records, pages from his service and medical records, six character statements, and pages from his law enforcement training and award records.

#### CONCLUSION:

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

The Board found no error in Petitioner's OTH characterization of service discharge for separation for misconduct. Specifically, the Board noted Petitioner admitted to committing the misconduct that formed the basis for his administrative separation, OTH characterization of service, and RE-4 reentry code. Further, the Board found no evidence the military mishandled Petitioner's injuries or forced him, as a medical necessity, to go UA for 252 days. Therefore, the Board determined the presumption of regularity applies to Petitioner's NJP and resulting administrative separation.

However, the Board also considered the totality of the circumstances to determine whether relief is warranted in the interests of justice, in accordance with reference (b). After reviewing the record holistically, given the totality of the circumstances, and purely as a matter of clemency, the Board determined the interests of justice are served by upgrading his characterization of service to General (Under Honorable Conditions) (GEN) and changing Petitioner's reentry code to RE-3C. In making this finding, the Board considered the evidence of substantial favorable

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post-service mitigation evidence that included Petitioner's lengthy and commendable law enforcement service, the letters of support attesting to his character, Petitioner's relative youth and immaturity at the time of his misconduct, Petitioner's proactive efforts to atone for his mistake, and the passage of time since Petitioner's discharge.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of Petitioner's misconduct led them to conclude that his service was not Honorable. Further, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board found that a GEN discharge characterization and no higher was appropriate.

Finally, the Board determined Petitioner's narrative reason for separation and SPD code should remain unchanged based on the same rationale for not approving an Honorable characterization of service. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 30 June 2006, he was discharged with an "General (Under Honorable Conditions)" characterization of service and a reentry code of "RE-3C."

That no further corrective action be taken on Petitioner's naval record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that 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 Regulations, 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.

3/12/2026

