



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100 TRG

Docket No: 1243-08  
23 March 2009

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Marine Corps Reserve, filed an application with this Board requesting that her record be corrected, in effect, to show that she was not discharged on 13 December 2009 under other than honorable conditions or reduced in grade to of lance corporal (LCpl; E-3), and that she was recommended for reenlistment.

2. The Board, consisting of Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 March 2009 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

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's application was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps on 14 January 2002 for four years at age 19. On 13 January 2006 she was released from active duty with an honorable characterization of service in the grade of corporal and with an RE-1A reenlistment code. On 1 July 2006 while in the Individual Ready Reserve, she was promoted to sergeant (Sgt; paygrade E-5).

d. On 1 August 2007 she was sent a certified letter notifying her of separation processing by reason of unsatisfactory participation in the United States Marine Corps Reserve (USMCR) because of her failure to provide the

Mobilization Command with her current contact information. She was informed that she was being recommended for a discharge under other than honorable conditions. She never responded to this notification. On 2 October 2007, a Staff Judge Advocate found the case sufficient in law and fact and on 13 December 2007 the commanding general directed discharge under other than honorable conditions and she was so discharged on 13 December 2007 with an RE-4 reenlistment code. In accordance with regulations, she was reduced to lance corporal at that time.

e. Attached to enclosure (1) is an advisory opinion from Headquarters Marine Corps (HQMC) which states in pertinent part that Petitioner was at fault for not keeping her address current and Marine Corps Base, Albany was also at fault for not updating her address after her separation from active duty. Given the circumstances, HQMC recommends that Petitioner be restored to the grade of Sgt and that she be issued an honorable discharge.

#### CONCLUSION:

Upon review and consideration of all the evidence of record and especially the recommendation contained in the advisory opinion the Board concludes that Petitioner's request warrants favorable action. Therefore, the Board concludes that the record should be corrected to show that she was not discharged under other than honorable conditions on 13 December 2007 but continued as a member of the Marine Corps Reserve in the grade of Sgt until she was honorably discharged on 13 January 2009 at the end of her military obligation with a recommendation for reenlistment. All references to the discharge under other than honorable conditions on 13 December 2007 should be removed from her record.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she was not reduced in grade and discharged under other than honorable conditions on 13 December 2007 but remained a member of the USMCR until she was honorably discharged on 13 January 2009 at the end of her military obligation.

b. That Petitioner's record be further corrected to show that on 13 January 2009 she was recommended for reenlistment.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report


of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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.

ROBERT D. ZSALMAN  
Recorder

  
BRIAN J. GEORGE  
Acting Recorder

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.

  
W. DEAN PFEIFFER  
Executive Director