

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

APPENDIX D

INFORMATION CONCERNING THE REGULATIONS AND PROCEDURES OF THE BOARD OF CORRECTION OF NAVAL RECORDS (BCNR) AND THE NAVAL DISCHARGE REVIEW BOARD (NDRB)

0001. The Board for Correction of Naval Records (BCNR), consisting of not less than three members, was established pursuant to 10 U.S.C. 1552, and considers all applications properly before it for the purpose of determining the existence of an error or an injustice, and to make appropriate recommendations to the Secretary of the Navy. Petition may be made by the member or former member, or such other persons as the board determines to be competent for such purpose. The Board for Correction of Naval Records, unlike the Naval Discharge Review Board (NDRB), may review discharges awarded by a general court-martial. Other types of cases reviewed by the board include, but are not limited to: those involving requests for physical disability retirement; the cancellation of a physical disability discharge, and substituting, in lieu thereof, retirement for disability; an increase in the percentage of physical disability; the removal of derogatory material from an official record; the review of nonjudicial punishment; and the restoration of rank, grade, or rating. Also, this board will review the case of a person who is in a Reserve component and who contends that the release from active duty should have been honorable, rather than general (under honorable conditions).

The law requires that the application be filed with the Board for Correction of Naval Records within three years of the date of the discovery of the error or injustice. However, the board is authorized to excuse the fact that the application was filed at a later date, if it finds it to be in the interest of justice to consider the application. The board is empowered to deny an application without a hearing, if it determines that there is insufficient evidence to indicate the existence of probable material error or injustice to the applicant.

No application will be considered by the board until the applicant has exhausted all other effective administrative remedies afforded by existing law or regulations, and such other legal remedies as the board shall determine are practical and appropriately available to the applicant.

An application to the board for the correction of a record shall not operate as a stay of any proceedings being taken with respect to the person involved. The board will consider the applicant's case on the basis of all the material before it, including but not limited to: the application for correction filed by the applicant, any documentary evidence filed in support of such applications, any brief submitted by or in behalf of the applicant, and all available pertinent records in the Department of the Navy. The applicant's service record is but one of the records which may be considered by the board.

In cases other than denied applications, the record of proceedings of the board will be forwarded to the Secretary of the Navy, who will direct such actions as determined to be appropriate.

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