



MARINE CORPS LEAGUE

Office of the National Judge Advocate

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From: Russ Miller, National Judge Advocate, Marine Corps League, INC.

To: All Marine Corps League Divisions
All Marine Corps League Departments
All Marine Corps League Detachments

Subj: NJA Ruling on DD Form 214 "UNCHARACTERIZED" Discharge

Ref: (a) National Bylaws (NBL)
(b) National Administrative Procedures (NAP)

1. In accordance with MCL National Bylaws and National Administrative Procedures regarding consideration for membership in the Marine Corps League, Section 515 of the NBL states that: *"Only the following may be regular members of the MCL: Marines who are serving or have served honorably* in the United States Marine Corps "ON ACTIVE DUTY," for not less than ninety (90) days and earned the Eagle, Globe, and Anchor or who have served or are currently serving in United States Marine Corps Reserve and have earned no less than ninety (90) Reserve Retirement Credit Points."*

"Served Honorably" is then defined for the purposes of application for membership as being, *"...determined by the last DD Form 214 or Certificate of Discharge that the applicant received. A General Discharge under Honorable Conditions is acceptable."*

2. Uncharacterized Separations from USMC are not defined by DOD, HQMC, Human Resources and Organizational Management Branch (ARH) or the Office of Personnel Management (OPM) as either good or bad. However, these offices also only view those having been "discharged under an **honorable** or **general discharge (under honorable conditions)** as eligible for veterans' preference for federal employment." (See also Title 5, United States Code, Section 2108)

3. Uncharacterized Separations from USMC can be awarded in a variety of instances that can on their own be judged as either "bad" or "not bad" depending on the viewpoint of one reviewing the case.

a. As related to medical separation:

i. Previously undiagnosed medical condition which existed prior to entry into military service of which the individual had no knowledge.(NB)

- ii. Medical condition which existed prior to entry into military service of which the individual had knowledge and chose to conceal or not to reveal. (B)
 - iii. Previously undiagnosed mental health condition which existed prior to entry into military service of which the individual had no knowledge. (NB)
 - iv. Mental health condition which existed prior to entry into military service of which the individual had knowledge and chose to conceal or not to reveal. (B)
 - v. Physical injury that occurred during training that prevents the servicemember from performing his or her training/duties prior to completion of 180 days of active duty (?) Accidental vs. Self-inflicted
- b. As related to inability or unwillingness to train.
- i. Physically unable to complete training due to rigors of physical performance.(NB)
 - ii. Failure to display any effort to complete training. (B)
 - iii. Lack of sufficient progress through training cycles. (?)
 - iv. Displaying an apparent inability to adapt to military life. (?)

4. In light of the aforementioned information it is therefore ruled in the judgement of this NJA that we should retain our current understanding of the language as it is presently contained in our governing documents. Thus, operating in good faith with the body assembled when the bylaw was adopted as being elucidated either as an "Honorable Discharge" or "General Discharge Under Honorable Conditions" as stipulated in the appropriate box on the applicant's last DD Form 214.

Respectfully submitted,



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