



MARINE CORPS LEAGUE

Office of the National Judge Advocate

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15 October 2024

To: Chief Operating Officer, Marine Corps League

Subject: Proposed National Bylaw Change

In accordance with the National Administrative Procedures, Chapter Ten, Section 10020, the following is submitted for consideration by the body assembled at the 2025 National Convention.

IRT: National Bylaws Section 515, A, 2 a, Note

CURRENT:

Section 515. Categories of Membership

A. Regular Membership. Only the following may be regular members of the MCL:

1. Marines who are serving or have served honorably* in the United States Marine Corps or the United States Marine Corps Reserve;

2. U.S. Navy Personnel

a. who are serving or have served honorably* in the United States Navy and who have trained with Marine FMF units in excess of ninety (90) days and earned the Marine Corps device (clasp) worn on the Service Ribbon, (i.e.: Southwest Asia Service Medal, Vietnam Service Medal, Armed Forces Expeditionary Medal, etc.); or

b. earned the Fleet Marine Force Enlisted Warfare Specialist Device (FMFEWS) (1 Oct 2006 to present) or the Fleet Marine Force Officer (FMFQO) Insignia (1 Jan 2006 to present) which must be noted on the DD214 form. An Award of the Fleet Marine Force Ribbon (FMF Ribbon) (1 Sept 1984 - 30 Sept 2006), the FMFEWS or FMFQO may serve as prima facie evidence of eligibility.

Note * - "Served Honorably" is determined by the last DD Form 214 or certificate of discharge that the applicant received. A General Discharge under Honorable Conditions is acceptable.

PROPOSED (Added in RED):

Section 515. Categories of Membership

A. Regular Membership. Only the following may be regular members of the MCL:

1. Marines who are serving or have served honorably* in the United States Marine Corps or the United States Marine Corps Reserve;
2. U.S. Navy Personnel
 - a. who are serving or have served honorably* in the United States Navy and who have trained with Marine FMF units in excess of ninety (90) days and earned the Marine Corps device (clasp) worn on the Service Ribbon, (i.e.: Southwest Asia Service Medal, Vietnam Service Medal, Armed Forces Expeditionary Medal, etc.); or
 - b. earned the Fleet Marine Force Enlisted Warfare Specialist Device (FMFEWS) (1 Oct 2006 to present) or the Fleet Marine Force Officer (FMFQO) Insignia (1 Jan 2006 to present) which must be noted on the DD214 form. An Award of the Fleet Marine Force Ribbon (FMF Ribbon) (1 Sept 1984 - 30 Sept 2006), the FMFEWS or FMFQO may serve as prima facie evidence of eligibility.

Note * - "Served Honorably" is determined by the last DD Form 214 or certificate of discharge that the applicant received. A General Discharge under Honorable Conditions is acceptable. **An Entry Level Separation (ELS) or Uncharacterized Discharge is not acceptable.**

RATIONALE:

This has been an official National Judge Advocate Ruling dating back to 31 March 2023. This ruling is in the Member Library section of our website however, it is easily overlooked as members are searching our National Bylaws and Administrative Procedures for the answers they need (located at the very top of the page) and the Rulings are in a totally different section much lower on the same page. Since this ruling is already a de facto policy, formally incorporating it into our National Bylaws would provide clarity and ensure consistent adherence. The official ruling has been attached as reference as well.

Respectfully submitted,

Bruce R. Rakfeldt,
National Judge Advocate
Marine Corps League



MARINE CORPS LEAGUE

Office of the National Judge Advocate

Russ Miller

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31 March 2023

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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