



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

SMW
Docket No: 7397-07
12 May 2008

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 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 enlisted member of the Marine Corps, applied to this Board requesting an honorable discharge vice the general discharge that was issued on 1 October 1981.
2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 7 May 2008, 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. Although Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.
 - c. On 2 October 1978, Petitioner enlisted in the Marine Corps at age 18 and served without incident for more than 15 months. On 30 January 1980, he had nonjudicial punishment (NJP) for use of marijuana. He then served without incident

for the remainder of his enlistment and was awarded the Good Conduct Medal (GCM). On 1 October 1981, he received a general discharge at the expiration of his enlistment.

d. Petitioner states that his proficiency marks were always high because he was a good Marine, but he received a low conduct mark when he had NJP which resulted in his general discharge. With his application, he provided letters of recommendation attesting to his character.

e. Characterization of service is determined, in part, by overall proficiency and conduct mark averages computed from marks assigned on a periodic basis. Averages of 3.0 in proficiency and 4.0 in conduct were required for a fully honorable characterization of service. Petitioner's final proficiency and conduct mark averages were 4.2 and 3.8, respectively. He had seven conduct marking occasions, which included a 1.9 mark assigned at the time he had NJP. His conduct mark average is 4.1 if the 1.9 mark is excluded.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. Specifically, the Board is aware that his characterization of service was properly assigned. Nevertheless, the Board finds that with the exception of one NJP, Petitioner served without incident and was awarded the GCM. The Board further finds that his proficiency average exceeded the requirement for an honorable characterization of service and with the exception of the 1.9 conduct mark that he received when he had NJP, his conduct marks were otherwise satisfactory. Therefore, as a matter of clemency, the Board concludes that his discharge should be changed to honorable.

RECOMMENDATION:

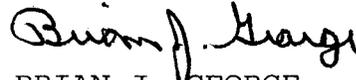
a. That Petitioner's naval record be corrected to show that he was separated with an honorable discharge on 1 October 1981, vice the general discharge issued on that date.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

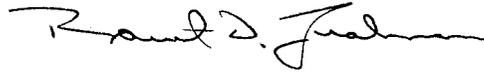
c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 15 August 2007.

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 Regulation, 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.


For W. DEAN PFEIFFER
Executive Director