



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

TJR
Docket No: 11354-07
19 November 2008

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that the characterization of her discharge be changed.

2. The Board, consisting of Mr. [REDACTED] Mr. [REDACTED] and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 November 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps on 29 July 2002 at age 18 and served for a year and five months without disciplinary incident. However, on 9 December 2003, Petitioner received nonjudicial punishment (NJP) for absence from her appointed place of duty and making a false official statement.

d. Petitioner's record reflects that, although eligible, on 11 May 2005 and again on 18 July 2006, she was not recommended for promotion due to not being ready for increased responsibility and immaturity.

e. On 28 July 2006 Petitioner, upon completion of her required active service, was released from active duty under honorable conditions.

f. At the time of her release Petitioner's conduct and proficiency averages were 4.0 and 4.2, respectively. In this regard, character of service was based on conduct and proficiency averages which were computed from marks assigned during periodic evaluations. Petitioner's conduct average of 4.0 was sufficiently high enough to warrant a fully honorable characterization of service, and her proficiency average of 4.2 exceeded the required 3.0 average.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

The Board notes and does not condone Petitioner's misconduct which resulted in NJP. However, its decision is based on Petitioner's overall satisfactory service as shown by her conduct and proficiency averages. The Board especially notes that Petitioner's conduct and proficiency averages met the requirements for a fully honorable characterization of service. Based on the foregoing, the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been less than fully honorable, and recharacterization to a fully honorable release from active duty is appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

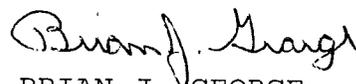
a. That Petitioner's naval record be corrected to show that she was honorably released from active duty on 28 July 2006 vice released under honorable conditions on that day.

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

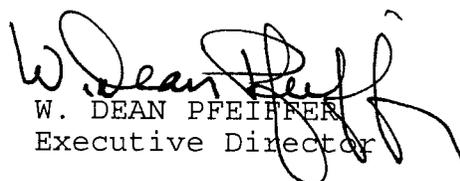
c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 21 December 2007.

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.


W. DEAN PFEIFFER
Executive Director