



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

SMS  
Docket No: 2620-08  
21 November 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 other than honorable (OTH) discharge that was issued on 23 December 1988.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 November 2008, and pursuant to its regulations, determined that the partial 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 17 February 1987, Petitioner enlisted in the Marine Corps at age 19. During the period 5 June 1987 to 1 April 1988, he was counseled on three occasions regarding deficiencies in his performance and conduct and warned of the

consequences of further infractions. On 2 August 1988, he had nonjudicial punishment (NJP) for two brief instances of unauthorized absence (UA) that totaled about one day. On 29 August 1988, suspended punishment from the NJP was vacated for unspecified misconduct. On 27 October 1988, he had NJP for one day of UA. On 1 November 1988, his commanding officer initiated administrative separation by reason of misconduct due to minor disciplinary infractions. In connection with this processing, he acknowledged that separation could result in an OTH discharge and waived the right to have his case heard by an administrative discharge board (ADB). On 19 December 1988, the separation authority approved the separation recommendation and directed an OTH discharge by reason of misconduct due to minor disciplinary infractions. On 23 December 1988, he was so discharged. At that time his proficiency and conduct mark averages were 4.07 and 3.55, respectively.

d. Petitioner states in essence that he was a young Marine who grew up in a small town and was unable to adapt to the military life. He further states that he did not commit any crimes or use drugs, has continued to support his country through community activities and is a good citizen.

e. Regulations authorize issuance of an OTH discharge for members discharged by reason of misconduct. Regulations also authorize a general discharge for such cases.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, the Board is aware that his discharge was processed in accordance with regulations and the characterization of service was properly assigned. Nevertheless, the Board finds that Petitioner's offenses were relatively minor and did not warrant an OTH characterization of service. Specifically, his offenses included three instances of UA that totaled about two days. The Board also considered his youth, satisfactory proficiency and conduct mark averages, and finds no evidence of disrespect. Therefore, as a matter of clemency, the Board concludes that his discharge should be changed to general.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was separated with a general discharge on 23 December 1988, vice the OTH 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 14 March 2008.

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.



BRIAN J. GEORGE  
Acting Recorder

ROBERT D. ZSALMAN  
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