



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

SJN  
Docket No: 06452-10  
14 April 2011

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) 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 recharacterization of his general discharge from active duty.
2. The Board, consisting of Mr. Blanchard, Mr. Sproul, and Mr. Genteman, reviewed Petitioner's allegations of error and injustice on 12 April 2011 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 enclosure (1) 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. Petitioner enlisted in the Marine Corps and began a period of active duty on 25 April 1978. The Board found that he served without incident until on 15 August 1979, when he was assigned to a weight control program. At that time, a medical evaluation stated that he had no pathological reason for his condition, had been counseled numerous times on his

unsatisfactory performance, and was 15 pounds overweight, a gain of eight pounds since starting the program. On 26 February 1980, it was determined that he had not complied with the weight control program and was recommended for separation from the Marine Corps. Subsequently, administrative discharge action was initiated by reason of unsuitability due to obesity/apathy. He waived his rights to consult counsel or submit a statement. On 19 March 1980, his commanding officer (CO) forwarded his case to the separation authority stating, in part, that he had shown no improvement or desire to improve while in the weight control program, and had in fact gained weight. His CO felt that his weight gain was due to apathy and not to any medical problems. The discharge authority concurred and directed a general discharge by reason of unsuitability. On 2 April 1980, he was so discharged.

d. Characterization of service is based on individual conduct mark averages computed from marks assigned on a periodic basis. His overall conduct mark average was 4.2. At the time of his service, an average of 4.0 was required for a fully honorable characterization of service.

e. In his application, Petitioner states that he was given a general discharge because he was obese.

#### CONCLUSION:

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

In this regard, the Board notes Petitioner's overall record of military service, including the absence of any disciplinary action and overall satisfactory performance. However, the Board notes that the discharge authority should have based the characterization of service on his overall conduct markd average, which is high enough for a characterization of honorable.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 2 April 1980, Petitioner was honorably discharged from active duty, vice under honorable conditions, now of record.

b. That a copy of this report of proceedings be filed in Petitioner's naval record.

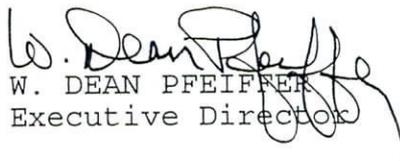
c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 14 June 2010.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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