



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
.701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TJR  
Docket No: 3308-11  
23 January 2012

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 his general discharge be changed.

2. The Board, consisting of Messrs. Exnicios, Hess, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 18 January 2012 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 it appears that 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 on 19 May 1990 at age 18, began a period of active duty on 19 October 1990, and served without disciplinary incident.

d. Petitioner's record contains documentation which states, in part, that he failed to conform to the Marine Corps (USMC) height/weight (HT/WT) standards and was subsequently assigned to a weight control program, which he failed. The record also states that he was repeatedly counselled regarding weight control to no avail and as such was recommended for an administrative separation.

e. Petitioner was processed for separation by reason of unsuitability due to failure to conform to USMC HT/WT standards - weight control failure. The discharge authority directed the commanding officer to issue a general discharge by reason of unsuitability, and on 1 July 1993, he was so discharged.

f. Character of service is based on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. At the time of Petitioner's discharge his conduct average was 4.2, which exceeded the requirement to warrant a fully honorable characterization of service.

CONCLUSION:

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

The Board's decision is based on Petitioner's overall satisfactory service as shown by him serving without disciplinary incident, and his high conduct mark average, which the Board notes exceeded the requirement to warrant a fully honorable characterization of service. Based on the foregoing, the Board concludes that no useful purpose is served by continuing to characterize his service as having been less than fully honorable, and as such recharacterization is appropriate.

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

RECOMMENDATION:

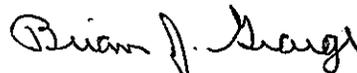
a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge on 1 July 1993 vice the general discharge actually issued on that day.

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 25 March 2011.

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