



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

BAN
Docket No. 05533-12
8 July 2013

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

Subj: REVIEW OF NAVAL RECORD [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he was discharged with an honorable discharge vice an other than honorable discharge issued on 11 January 1992.

2. The Board, consisting of Mr. McBride and Mses. Trucco and Bianchi, reviewed Petitioner's allegations of error and injustice on 9 May 2013 and, pursuant to its regulations, determined that the limited 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. Petitioner entered active duty in the Marine Corps on 7 July 1987. On 16 March 1990, he was found guilty at a special court-martial (SPCM) of two specifications of unauthorized absence totaling 105 days and illegal use of a controlled substance (marijuana). He received a bad conduct discharge. However, it was suspended for 12 months, pending any further misconduct.

c. Petitioner was then separated at the end of his active duty service on 11 January 1992. He received an other than honorable discharge and an RE-4 reentry code.

d. When a service member completes his enlistment, he must be given the characterization of service warranted by his service record. Characterization of service is based in part on conduct marks assigned on a periodic basis. Petitioner's conduct mark average was a 3.4. A

4.0 conduct mark average was required for a fully honorable discharge at the time of his separation.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds that Petitioner's discharge should be upgraded to general. The Board particularly notes that he completed his enlistment, however, his SPCM conviction and insufficiently high conduct mark average do not qualify him for an honorable discharge. The Board finds the existence of an error warranting the following limited corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner was separated with a general discharge vice an other than honorable discharge issued on 11 January 1992, now of record.

b. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

c. That no further relief be granted.

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 Regulations, 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