



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

SJN  
Docket No: 02851-13  
10 April 2014

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 an upgrade of his general characterization of service received on 15 November 1996.

2. The Board, consisting of Mr. Grover, Ms. Aldrich, and Mr. Zsalman, reviewed Petitioner's allegations of error and injustice on 8 April 2014 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 15 December 1993. During the period from 5 October 1994 to 8 February 1996, he received three retention warnings for failing to complete assigned tasks, following instructions, financial irresponsibility, and failing to make successful progress while in an assigned weight control

program. Although his record is incomplete and does not contain any of the administrative discharge documentation, he received a general discharge on 15 November 1996 due to weight control failure.

d. Petitioner's characterization of service was based on individual conduct marks average computed from marks assigned on a periodic basis. His overall conduct mark average was 4.3. At the time of his service, an average of 4.0 was required for a fully honorable characterization of service.

f. In his application, Petitioner states, in part, that he performed his duties with honor and pride and his general discharge presents barriers to securing benefits reserved only for those with honorable discharges.

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 his three retention warnings. However, the Board notes that the discharge authority should have based his characterization of service on his overall conduct marks average, which was high enough for an honorable characterization of service.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 15 November 1996, he was honorably discharged from active duty vice the general discharge actually issued on that date.

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

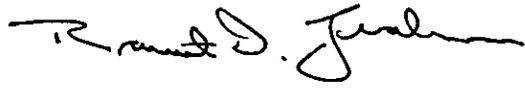
c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 7 March 2013.

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.

  
ROBERT D. ZSALMAN  
Acting Executive Director