



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

BJG
Docket No: 7145-13
30 July 2014

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 3 Jul 14 w/attachs
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that his naval record be corrected by changing the characterization of his general under honorable conditions discharge issued on 14 May 1974 to fully honorable.
2. The Board, consisting of Messrs. Bey, Boyd, and Zsalman, reviewed allegations of error and injustice on 29 July 2014, and pursuant to its regulations, determined that relief should be granted. 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 which were available under existing law and regulations within the Department of the Navy.
 - b. Petitioner entered active duty in the Marine Corps on 28 June 1973. He was not the subject of any disciplinary action during his term of active duty service. However, during April 1974, he was found mentally unfit to continue on active duty. A Medical Board (MB) recommended that he be administratively separated with a type warranted by service record characterization of service due to unsuitability. Based on the

MB's recommendation, on 14 May 1974, he was administratively separated with a general characterization of service due to unsuitability.

c. Character of service is based in part on conduct marks assigned on a periodic basis. Petitioner's conduct mark average was 3.9. A 4.0 was required for a fully honorable characterization of service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting upgrading Petitioner's general discharge to an honorable characterization of service. The Board particularly notes that he had no disciplinary action and his conduct mark average was almost high enough to qualify for a fully honorable discharge. As a matter of clemency, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 14 May 1974, he was issued an honorable discharge, vice the general under honorable conditions characterization of service assigned on the same date.

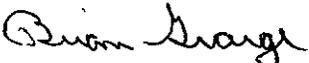
b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

d. That the Department of Veterans Affairs be informed that Petitioner applied to this Board on 3 July 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 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.



ROBERT D. ZSALMAN
Acting Executive Director