



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

TJR
Docket No: 5448-14/
8917-13
17 June 2014

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
(b) HQMC MMMA-3 memo dated 10MAR14

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's service record/CD

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Marine Corps, filed enclosure (1) with this Board requesting that recharacterization of his general discharge and a change of his narrative reason for separation (court-martial). By implication, he requested that his separation code (SPD) of JJD2 also be changed. He further requests to have his record reflect his entitlement to a Global War on Terrorism Expeditionary Medal (GWTEM) for his service in Bahrain.

2. The Board, consisting of Mr. Bey, Mr. Hedrick, and Ms. Wilcher reviewed Petitioner's allegations of error and injustice on 10 June 2014 and, pursuant to its regulations, determined that the partial 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. In addition the Board considered the advisory opinion (AO), reference (b), provided by the Headquarters Marine Corps Military Awards Branch (MMMA-3).

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. Enclosure (1) was filed in a timely manner.

c. Petitioner served in the Marine Corps from 27 October 1997 until 10 August 2005. During his period of service, he was

convicted by special court-martial (SPCM) of a 21 day period of unauthorized absence (UA) and disobedience. He was sentenced to a reduction to paygrade E-1 and a bad conduct discharge (BCD). He was issued the BCD on 10 August 2005.

d. On 11 January 2012 the Naval Discharge Review Board (NDRB) upgraded Petitioner's characterization of service to general under honorable conditions, based in part, on the severity of the SPCM sentence and his good post service conduct. However, it appears that the narrative reason for separation and separation code were not changed to coincide with the recharacterization of service. Presumably, because of this administrative oversight, the narrative reason for separation on his re-issued Certificate of Release or Discharge from Active Duty (DD Form 214) remains as "court-martial" instead of Secretarial Authority. Further, his SPD should be LFF1 (Secretarial Authority).

e. In regard to Petitioner's request for correction of his record to reflect a GWTEM, the AO from HQMC MMMA-3, reference (b), validates his entitlement to this award for his service in Bahrain, and as such the record should be corrected.

f. In Petitioner's application he asserts, in part, that his discharge was too harsh because it was based solely on one isolated incident, which was the result of stress, depression, and family problems. He also states that he was lied to regarding his reenlistment and career in the Marine Corps and that because of the foregoing, his discharge should be upgraded to honorable.

CONCLUSION:

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

The Board is aware of Petitioner's BCD which was awarded at his SPCM and does not condone his misconduct. However, the Board is also aware of the NDRB decision to upgrade the BCD to general under honorable conditions. In this regard, the Board's decision to change the narrative reason for separation is based on the NDRB decision to upgrade the characterization of service and its administrative oversight not to change the reason for separation, Petitioner's overall record of satisfactory service, and his good post service conduct. As such, the Board concludes that no useful purpose is served by Petitioner's record continuing to reflect such a stigmatizing narrative reason for separation and that a change of this reason to Secretarial Authority, to coincide with the NDRB decision, is now more appropriate. The Board also concludes that his SPD should be changed to LFF1 and he should be entitled to wear the GWTEM.

The Board, however, does not believe that any further recharacterization of Petitioner's service is appropriate or warranted. In view of the foregoing, the Board finds the existence of an injustice warranting the following partial corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to reflect that he was discharged by reason of "Secretarial Authority" and assigned a separation code of "LFF1" on 10 August 2005 vice being discharged by reason of court-martial with a separation code of JJD2.

b. That Petitioner's naval record be corrected to reflect, in Block 13. of his DD Form 214, the GWTEM.

c. That no further relief be granted.

d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

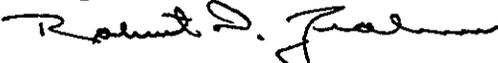
e. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 31 March 2014.

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