



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

█
Docket No: 2832-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █
█ USMC, █

Ref: (a) 10 U.S.C. § 1552
(b) USD memo of 25 Jul 18, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations"

Encl: (1) DD Form 149 █

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with Board for Correction of Naval Records (Board), requesting an upgrade to his discharge characterization, a change to his narrative reason for separation, a change to his separation code, and a change to his reentry (RE) code. Enclosure (1) and references (a)-(b) apply.

2. The Board consisting of █ █ █ █ and █ █ reviewed Petitioner's allegations of error and injustice on 3 September 2021, and pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

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.

[REDACTED]

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 26 July 1985. Petitioner's early period of service was marked with success to include Administrative Remarks dated 18 October 1985 denoting Petitioner's receipt of Honor Graduate issue of Dress Blues.

d. On 12 March 1987, Petitioner began a period of unauthorized absence (UA); he returned by surrender on 31 March 1987. In April 1987, Petitioner began another period of UA. He was subsequently declared a deserter on 1 May 1987, and records indicate that he returned to military control on 5 October 1987. On 15 October 1987, charges were preferred against Petitioner for two specifications of UA for the periods of absence from 12 to 31 March 1987, and from 1 April 1987 to 5 October 1987.

e. On 29 October 1987, Petitioner submitted a request for a Good of the Service discharge from the Marine Corps. On 30 October 1987, a Medical Board recommended that Petitioner be discharged by reason of unsuitability for service and noted a diagnoses of Seizure Disorder. Petitioner acknowledged the Medical Board's recommendation. The Medical Board's recommendation was forwarded by the Naval Medical Command, with its concurrence, noting that there was disciplinary action pending in Petitioner's case.

f. On 21 December 1987, the Commanding General, 1st Marine Division (Rein) approved Petitioner's request for separation in lieu of trial by court martial. At the time of the approval, Petitioner's Proficiency and Conduct Marks were 4.5/4.5.

g. Petitioner was discharged from the Marine Corps on 18 January 1988, on the basis of separation in lieu of trial by court martial. Petitioner received an other than honorable characterization of service and an RE-4.

h. In his application to the Board, Petitioner requested an upgrade from an other than honorable discharge to an honorable characterization of service, as well as a change to his narrative reason for separation, his separation code, and his RE- code to reflect a discharge on the basis of Secretarial Authority, and any other relief that the Board deems equitable and just. Petitioner notes the length of time that has passed since his discharge and notes that he has struggled with the impact that his unfavorable discharge has had on his life. Petitioner provides a detailed personal statement in which he describes his childhood and the challenges he overcame. Petitioner states that he distinguished himself early in his career with the Marine Corps, was an Honor Graduate, and earned the rank of Corporal. He states that despite his early success, he was subjected to prejudice and harassment and was ignored as a NCO. He asserts that he was in the wrong place in the wrong time with the wrong people, and asks that the facts and circumstances surrounding his UAs be taken into consideration. Petitioner states that his 24-year marriage ended in divorce, that he has been sober since 2016, and that he is trying to make right a life gone terribly wrong. Petitioner provides character letters in support of his request.

CONCLUSION

The Board reviewed Petitioner's request in accordance with references (a) through (b), and carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in his case in accordance with the Wilkie Memo. The Board noted that Petitioner's record supports his statements pertaining to early success during his time with the Marine Corps,

[REDACTED]

[REDACTED]

and considered that apart from the periods of UA, he has high Proficiency and Conduct Marks. The Board found Petitioner's personal statement compelling and in consideration of the length of time since Petitioner's discharge, the facts and circumstances surrounding his periods of UA, and noting his post-service efforts of achieving sobriety and making positive changes in his life over the past five years, the Board determined that Petitioner is entitled to relief under the guidance of the Wilkie Memo.

The Board determined that Petitioner is entitled to an upgrade to an honorable discharge, a change to his narrative reason for separation to reflect "Secretary of the Navy Plenary Authority," that his SPD code be changed to "JFF1," and that his separation authority be changed to "MARCORSEPMAN PAR 6214." The Board concluded that no further corrective action should be taken.

The Board found that although Petitioner is entitled to relief under the Wilkie Memo, he is not completely absolved of his in-service misconduct. Given the combined length of Petitioner's two periods of UA for which he requested a separation in lieu of trial by court martial, the Board determined that Petitioner's RE-4 code remains appropriate, and that a change to his RE code is not warranted.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected to show that on 18 January 1988, he was issued an honorable discharge by reason of "Secretary of the Navy Plenary Authority," that his SPD code is "JFF1," and that his separation authority is "MARCORSEPMAN PAR 6214" with his RE code remaining RE-4.

That Petitioner be issued a new DD Form 214, reflecting these changes.

That Petitioner be issued an honorable discharge certificate.

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

4. 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.
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



[REDACTED]

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

9/30/2021

[REDACTED]

Executive Director

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