



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

██████████
Docket No: 3190-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER ██████████
██████████ XXX-XX-██████████ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) USD memo of 25 Jul 2018 "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 w/attachments
(2) DD Form 214 of 23 November 1988
(3) List of Nonjudicial Punishments and Counseling Entries
(4) Administrative Discharge

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by upgrading his characterization of service from other than honorable character of service to general, under honorable conditions.

2. The Board reviewed Petitioner's allegations of error and injustice on 21 June 2021 and pursuant to its regulations determined the below action. 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 reference (b), 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 review the application on its merits.

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]

[REDACTED] XXX-XX-[REDACTED] USMC

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 24 June 1986. Enclosure (2).

d. On 5 January 1988 Petitioner received nonjudicial punishment (NJP) for make and utter a check for \$20.00. Enclosure (3).

e. On 2 February 1988 Petitioner was counseled concerning writing bad checks, failure to pay debts, and financial irresponsibility. Petitioner was notified that he was being retained in the naval service and warned that any further deficiencies in performance or conduct may result in processing for administrative separation. Enclosure (3).

f. On 9 February 1988 Petitioner received NJP for wrongful appropriation of one (1) Kevlar helmet, valued at \$104.85, property of the U.S. Government. Petitioner subsequently received two (2) additional counselings concerning frequent involvement on failure to pay just debts and financial irresponsibility. Enclosure (3).

g. On 13 June 1988 Petitioner received NJP for failing to go to the battalion aid station. Enclosure (3).

h. On 29 July 1988 Petitioner received NJP for dishonorably failing to pay a debt to Metropolitan Educational Enterprises, Inc., in the sum of \$1,303.78. Enclosure (3).

i. On 15 August 1988 Petitioner was notified of administrative discharge processing by reason of misconduct due to minor disciplinary infractions. Petitioner elected his right to consult with counsel and to present his case before an administrative discharge board (ADB). On 12 October 1988, after further consulting with counsel, Petitioner waived his right to an ADB. Enclosure (4).

j. On 13 September 1988 Petitioner's commanding officer recommended Petitioner be discharge with an other than honorable (OTH) characterization of service by reason of misconduct due to minor disciplinary infractions. The Staff Judge Advocate determined the proceedings were sufficient in law and fact, and on 20 October 1988, the discharge authority directed Petitioner be discharged from the Marine Corps with an OTH characterization of service by reason of misconduct due to the minor disciplinary infractions. Enclosure (4).

k. On 23 November 1988, Petitioner was discharged from the Marine Corps with an OTH characterization of service due to minor disciplinary infractions. Enclosure (2).

l. In Petitioner's application, he contends he received a harsh discharge for minor disciplinary infractions. Petitioner states since his discharge he became part of the [REDACTED] Association of Sports Official organization, began to officiate various sporting events, and starting mentoring his children and their friends. Petitioner further contends when he worked for the Public Utilities Board in [REDACTED] he attended [REDACTED] University and earned certifications in various electrician programs. Petitioner provided a personal statement and documents in support of his post-service conduct and accomplishments.

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]

[REDACTED] XXX-XX-[REDACTED] USMC

MAJORITY CONCLUSION

The Board Majority determined Petitioner was suffering from a history of financial irresponsibility despite financial counseling to help him resolve his issues while in service. The Majority determined the Petitioner's disciplinary infractions were minor, and his positive post-service conduct and accomplishments, as a matter of clemency, mitigated the misconduct the Petitioner committed. Despite the four (4) NJPs, the Majority found that Petitioner's characterization of service should be changed to general, under honorable conditions.

MAJORITY RECOMMENDATION

In view of the above, the Board Majority recommends the following.

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) signifying that on 23 November 1988 he received a "general, under honorable conditions" characterization of service, narrative reasons for separation to read "Secretarial Authority," separation authority read "MARCORSEPMAN 6421," and separation code read "JFF."

That no further corrective action should be taken.

MINORITY CONCLUSION

The Board Minority found, in light of the frequency of Petitioner's misconduct, although minor, while in the Marine Corps, that the other than honorable character of service was issued without error or injustice. The Minority determined that corrective action is not warranted, and that Petitioner's record should remain unchanged.

MINORITY RECOMMENDATION

That no corrective action be taken.

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. The foregoing action of the Board is submitted for your review and action.

6/28/2021

[REDACTED]

Executive Director

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED] XXX-XX-[REDACTED] USMC

Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board MAJORITY Recommendation (Grant Relief)

~~Reviewed and Approved Board MINORITY Recommendation (Deny)~~

7/13/2021

[REDACTED]

Assistant General Counsel (M&RA)

Signed by: [REDACTED]