



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

█
Docket No: 5966-21

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) 10 U.S.C. §1552
(b) USECDEF Memo, "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 with attachments
(2) Case Summary

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 general (under honorable conditions) discharge be upgraded to honorable character of service.
2. The Board, consisting of █, █ and █ reviewed Petitioner's allegations of error and injustice on 3 November 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 reference (b).
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.
 - c. Petitioner enlisted in the Marine Corps for a term of three years and began his period of active duty on 23 October 1974.

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

d. On 17 March 1975, Petitioner received non-judicial punishment (NJP) for disobeying a lawful order from a noncommissioned officer.

e. On 21 December 1976, Petitioner received his second NJP for assault and general misconduct to wit: observed intoxicated and failure to have his Armed Forces Identification Card in his possession.

f. On 12 December 1977, Petitioner was convicted by a special court-martial (SPCM) of wrongful possession of marijuana and failure to go to his appointed place of duty. As punishment, Petitioner was awarded reduction in rank, confinement, and fined \$150.00.

g. On 19 December 1977, Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) with a characterization of service of "general (under honorable conditions)," separation authority and reason was "MARCORSEPMAN JJD2," and reenlistment code was "RE-4." Additionally, on this date, the Board noted Petitioner received an Administrative Remarks (Page 11) entry annotating that Petitioner was discharged this date in accordance with "MARCORSEPMAN 6009" which is defined as "Expiration of Enlistment."

h. Petitioner presented the following contentions:

1) His record is in error and a correction should be made;

2) He was a young naïve focused Marine and dedicated to the brotherhood. At that time, he was aware of the event that took place, and he did not participate; and

3) He did not think that at the time of how protecting the brotherhood would affect his life later on down the road.

CONCLUSION:

In regard to Petitioner's request for an upgrade of his character of service, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with reference (b). These included, but were not limited to, Petitioner's desire to upgrade his discharge character of service and his contentions as previously discussed. The Board noted Petitioner's submission of supporting documentation to be considered for clemency consideration. Unfortunately, based upon this review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by two NJPs and a SPCM conviction, outweighed these mitigating factors. Accordingly, given the totality of the circumstances, the Board determined that Petitioner's request does not merit relief.

After further review of Petitioner's Certificate of Release from Active Duty (DD Form 214), the Board determined that Petitioner's DD Form 214 is in error. In this regard, Petitioner's separation authority and reason inaccurately reflects "MARCORSEPMAN JJD2" which is defined as "As a Result of a Court-martial." The Board noted Petitioner's Page 11 entry of

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

19 December 1977 as previously discussed, and concluded Petitioner's narrative reason for separation should reflect "MARCORSEPMAN Par 6009," which is defined as "Expiration of Enlistment."

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

That Petitioner be issued a DD Form 215 to indicate that on 19 December 1977, the separation authority was "MARCORSEPMAN Par 6009" and narrative reason for separation was "Expiration of Enlistment."

That no further changes be made to Petitioner's record.

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 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.

11/20/2021

[REDACTED]

Executive Director

[REDACTED]