



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

██████████
Docket No: 6196-21
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Commandant of the Marine Corps

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

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

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting a change to his naval record, specifically, to change his "Under Honorable Conditions (General)" discharge to "Honorable" and correct Box 6 - High School Graduate or Equivalent on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 1 December 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, 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 limitation and review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 5 October 1977.

d. During the period from 4 August to 17 June 1980, Petitioner received three non-judicial punishments (NJP) for offenses to include disobeying a lawful order, disrespectful in language toward a non-commission officer (NCO), drunk on duty, disrespectful toward a commission officer, assault on a commission officer, failure to obey a post regulation, and two specifications of intent to commit fraud by falsifying official records. Petitioner was convicted at a summary

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court-martial (SCM) of sleeping on post and convicted at special court-martial (SPCM) of damage to government property.

e. On 24 July 1980, Petitioner was notified of proposed administrative separation processing by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. Petitioner elected to consult with legal counsel and to appear before an administrative discharge board (ADB). On 11 August 1990, Petitioner's commanding officer recommended an under other than honorable (OTH) discharge due to misconduct. On 25 August 1990, the ADB recommended a general discharge due to misconduct. The ADB felt that Petitioner's misconduct, although frequent, was not severe enough to warrant an OTH.

f. On 15 September 1990, the discharge authority concurred with the ADB's finding and directed a general discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. On 18 September 1980, Petitioner was so discharged.

g. Petitioner's final conduct average was 3.4. During Petitioner's service, a conduct average of 4.0 was the minimum for an honorable characterization of service.

h. At the time of Petitioner's discharge he was issued a DD Form 214 that indicated "NO" in Box 16 - High School Graduate or Equivalent.

i. Petitioner contends that his misconduct was largely due to the freedom he was given in service and that when he was not in a challenging situation or one that required all his focus, he made the wrong choices. Petitioner submitted a list of in-service volunteer activities that highlighted the positive activities and work he accomplished. Additionally Petitioner provided a General Education Development (GED) Certificate dated 8 July 1980, from the Commonwealth of Virginia and a letter from the Commanding General congratulating him on completion of the GED.

CONCLUSION:

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

The Board noted that upon Petitioner provided credible documentation that he completed his GED prior to discharge and that his DD Form 214 contains an administrative error in Box 16.

The Board further concluded the potentially mitigating factors that Petitioner raised were insufficient to warrant relief in regards to his request to upgrade his discharge to honorable. The Board determined that Petitioner's frequent misconduct, although minor, outweighed this request. Additionally, the Board noted Petitioner's conduct average did not meet the threshold for an honorable characterization of service.

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

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RECOMMENDATION:

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), which reflects he was a "High School Graduate or Equivalent" at the time of his discharge from the Marine Corps.

That no further changes be made to the record.

A copy of this report of proceedings shall 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 corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

12/14/2021

[REDACTED]

Executive Director

[REDACTED]