



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

█  
Docket No: 6868-21

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) 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

Ref: (a) 10 U.S.C. §1552  
(b) MCO P1900.16 (MARCORSEPMAN)

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 other than honorable (OTH) character of service be upgraded.

2. The Board, consisting of █, █ and █ reviewed Petitioner's allegations of error and injustice on 22 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 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.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 27 July 1953. On 24 February 1954, he received his first nonjudicial punishment (NJP) for sitting down while

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[REDACTED], USMC

on post. On 27 April 1954, Petitioner was convicted by special court-martial (SPCM) of an unauthorized absence totaling 41 days from 25 February 1954 to 6 April 1954. As punishment, Petitioner was awarded confinement at hard labor for six (6) months and to forfeit \$28.00 pay per month for six (6) months. On 29 July 1954, a psychiatric evaluation conducted for an undesirable discharge found Petitioner to be slightly above average intelligence with no neurotic or psychotic syndrome. It further documented Petitioner did present severe character disorder of an anti-social type, would not be receptive to psychotherapy, and would probably be a chronic burden to the service, society, and eventually himself. The document ended with a strong recommendation that Petitioner receive an undesirable discharge. On 24 September 1954, Petitioner submitted a statement requesting an undesirable discharge. This was followed by his Commanding Officer's recommendation that Petitioner receive an other than honorable characterization of service. Additionally, a review of Petitioner's request via a disposition hearing recommended Petitioner be discharged by reason of unfitness. On 15 October 1954, Petitioner's request was approved and he was discharged on 21 October 1954.

d. Petitioner contends he was not informed of any charges against him. Petitioner further contends that he was not informed his case would be heard before a court-martial, and he was not advised he had a right to consult with counsel.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that given the totality of his circumstances, Petitioner's request merits relief. Additionally, the Board reviewed Petitioner's application under the guidance provided in reference (b). Specifically, the Board considered whether his application was the type that was intended to be covered by this policy.

The Board noted Petitioner's misconduct and does not condone his actions, which subsequently resulted in a conviction by SPCM.

The Board was able to reasonably conclude that a mental health condition existed at the time of his misconduct, and subsequently resulted in his OTH character of service. After carefully considering all the evidence, the Board felt that Petitioner's mental health condition should mitigate the misconduct he committed while on active duty since this condition outweighed the severity of the misconduct. The Board concludes that no useful purpose is served by continuing to characterize the Petitioner's service as having been other than honorable, and re-characterization is now more appropriate.

However, in light of reference (b), after reviewing the record holistically, and given the totality of the circumstances and purely as a matter of clemency, the Board concluded Petitioner's discharge characterization should be changed to "general (under honorable conditions)." Additionally, in the interest of justice and in light of the potential for future negative implications, the Board further determined Petitioner's narrative reason for separation be changed to "secretarial authority," SPD code changed to "JFF1," and separation authority changed to "MARCORSEPMAN."

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[REDACTED], USMC

RECOMMENDATION:

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

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that on 21 October 1954, Petitioner was discharged with a "general (under honorable conditions) character of service, separation authority as "MARCORSEPMAN", narrative reason for separation as "secretarial authority," SPD code changed to "JFF1," and reenlistment code as "RE-1J".

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.

12/13/2021

[REDACTED]  
Executive Director  
[REDACTED]