



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

[REDACTED]
Docket No: 7065-21

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED], 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

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting that his naval record be changed as follows: Characterization of Discharge from "General under honorable conditions" to "Honorable". Enclosure (1) applies.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of injustice on 7 March 2022, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. 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 Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider his application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 30 September 1971. On 16 November 1972, a medical board report documented Petitioner had bilateral neurosensory hearing loss which existed prior to enlistment (EPTE). The board recommended

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
[REDACTED], USMC

Petitioner change his military occupational specialty (MOS) to one which does not involve exposure to loud noises and found him fit for duty. Subsequently, Petitioner submits a statement concerning the medical board's finding and requests a change of his MOS. On 27 November 1972, Chief, Bureau of Medicine supports the medical board's recommendation for the Petitioner's MOS change and finds him fit for duty. On 28 March 1973, as a result of continual hearing loss, an additional medical board was held and documented Petitioner does not meet the minimum standards for enlistment/unfit for further military service by reason of physical disability which was neither incurred in, nor aggravated by military service. Petitioner waived his right to a physical evaluation board (PEB) hearing and was discharged on 24 April 1973 with a general under honorable conditions (GEN) characterization of service by separation reason of physical disability which existed prior to enlistment. At the time of his discharge he had a conduct mark of 4.3 and a proficiency mark of 4.0. A conduct mark of 4.0 was required to be considered for an honorable characterization of service.

d. With his application, Petitioner contends that he was board deaf in his left ear and disclosed this information to his recruiter who assured him all would be well since the recruiter knew the doctor. He further asserts his deafness was not discovered during his entrance physical but during preparations to transfer to [REDACTED]. He adds, he was offered a discharge or Kitchen Police/Patrol duties and elected to be discharged.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. The Board reviewed the application under the guidance provided in reference (b).

In reaching its conclusion, the Board noted the Petitioner's honorable characterization of service after one (1) year and five (5) months of service in the Marine Corps despite his medical condition. With the support of his Chain of Command and as suggested by the medical board, he received a recommendation to change his MOS, allowing for further service. Additionally, the Board noted service record documentation consistently reflected the Petitioner's characterization of service as honorable.

In view of the foregoing, the Board finds the existence of injustice warranting the following relief.

RECOMMENDATION

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

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD 214) changing his characterization of service to Honorable.

Petitioner be issued an Honorable Discharge Certificate.

No further action be granted.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
[REDACTED], USMC

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

4. It is certified that 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.

3/24/2022

[REDACTED]

Executive Director

[REDACTED]