



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

█
Docket No: 561-22
Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (DD Form 214)

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 to establish Petitioner's correct "Characterization of Service" on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 2 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 the enclosures, naval records, and applicable statutes, regulations, and policies.

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 entered active duty on 6 December 1976. During the period from 21 June 1977 to 1 February 1978, he received four non-judicial punishments (NJP) for possession of marijuana, unauthorized absence (UA), disrespect toward a non-commissioned officer (NCO), and five specification of failure to be at appointed place of duty. On 7 March 1978, he was diagnosed with a Lumbosacral Strain. On 28 March 1978, a Physical Evaluation Board (PEB) determined that Petitioner was unfit for military duty and recommended that he be separated from active duty with severance pay with a disability rating of 10%. As a result, he was discharged with a general under honorable conditions characterization of service by reason of disability/severance pay on 2 May 1978.

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d. At the time of Petitioner's discharge from active duty, he was issued a DD Form 214 which incorrectly reflected his characterization of service as "General".

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board notes a review of Petitioner's record confirmed that Petitioner's characterization of service at the time of discharge was incorrect. The Board concluded that a correction to Petitioner's characterization of service is warranted based upon Petitioner's record of service and relief in the form of his characterization of service should be changed to "General under Honorable Conditions". In accordance with the foregoing, the Board concluded that the record should be corrected by the issuance of a correction to the DD Form 214 (DD Form 215), and that Petitioner should be issued the same.

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

RECOMMENDATION:

That Petitioner's naval record is corrected to show that he was issued a "General under Honorable Conditions" characterization of service on 2 May 1978 vice the "General" characterization of service.

That Petitioner be issued a DD Form 215, which reflects his characterization of service as "General under Honorable Conditions" at the time of his discharge from the Marine Corps.

That no further changes be made to the 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.

3/9/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]