



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

█  
Docket No: 2467-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █  
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 naval record be corrected by upgrading the characterization of service from General (Under Honorable Conditions (GEN) to "Honorable" on his Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 13 June 2022 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 Kurta Memo, and 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 U.S. Marine Corps Reserve in 1976. On 14 January 1977, he was issued initial active duty for training (ADT) orders and completed a period of honorable active

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duty service from 14 January 1977 to 10 June 1977. During this period, and on 2 April 1977, Petitioner was meritoriously advanced to E-2. On 6 October 1977, Petitioner was recommended for involuntary assignment to active duty due to his failure to report to active duty for training from 24 July 1977 to 07 August 1977. Administrative remarks further capture he “has been notified both verbally and in writing of this recommendation...failed to show up for ATD and has not been seen since, despite attempts to get him to come to the Training Center to discuss his situation.” Subsequent administrative remarks document Petitioner was not recommended for promotion for being in an unauthorized absence status from training, was not recommended for promotion, and was mailed correspondence concerning his unsatisfactory participation in the Marine Corps Reserve. On 5 May 1978, Petitioner was assigned to involuntary active duty for training after having been found physically qualified for training. On 1 June 1978, correspondence from Naval Regional Medical Center documents Petitioner was being processed for a medical board and awaiting discharge from the service by reason of physical disability. On 7 June 1978, a consultation report documents Petitioner originally injured his left knee playing high school football and went on to develop symptoms of internal derangement over the years. It also documents, “it is not felt at this time that he should continue on full active duty or stay in the Marine Corps Reserve,” and provided a diagnosis of Chronic Internal Derangement of the left knee, EPTE (existed prior to enlistment). On 13 July 1978, a letter from Chief, Bureau of Medicine and Surgery determined Petitioner was not physically qualified for retention in the Naval or Marine Corps Reserve because of chronic internal derangement, left knee, EPTE. Administrative remarks of 29 August 1978 document Petitioner was to be discharged with a GEN characterization of service. On 18 August 1978, Petitioner was discharged with a GEN by reason of Convenience of the Government. See enclosure (2).

d. Petitioner’s contends he reported illegal activities and was advised by his defense counsel not to return for his scheduled drills as he was in danger, which subsequently resulted in a court-martial and a GEN discharge.

e. Petitioner provided a statement, his resume, his meritorious promotion, congressional correspondence, multiple law enforcement awards, letters of appreciation, and certificates of completion for clemency consideration.

#### CONCLUSION:

The Board noted administrative remarks captured the narrative reason for separation was listed on Petitioner’s DD Form 214 as MARCORPSEPMAN par 6012.1f (2) dated 3 September 1974. Upon further review, the board noted said reference was specific to “Medical Board determination of obesity” which is incorrect and should have reflected MARCORPSMAN par 6012.1f (7) “Discharge because of a physical condition which is not disabling – involuntary.”

The Board also noted Petitioner’s misconduct and does not condone his actions, which subsequently resulted in a GEN discharge. 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 “Honorable.” In making this finding, the Board noted Petitioner’s commendable post-service conduct as evidenced by the documents he provided with his request. Further, the Board

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weighed the seriousness of his period of UA and determined the mitigation evidence provided outweighs his misconduct.

RECOMMENDATION:

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

Petitioner be issued a new DD Form 214 indicating the character of service as "Honorable".

The separation authority and reason be changed to reflect "MARCORPSMAN par 6012.1f (7), "Discharge because of a physical condition which is not disabling – involuntary."

No further changes be made to Petitioner's record.

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.

7/1/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]