



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

██████████
Docket No. 7467-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
██████████ USMC

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo of 25 July 2018 "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 Honorable periods of service be separately documented on multiple Certificates of Release or Discharge from Active Duty (DD Form 214s) to document his honorable service. He is also requesting the second period of service be upgraded to match his first Honorable period of service.

2. The Board, consisting of ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 11 January 2023, and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service 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 review the application on its merits.

c. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 26 June 1980. He completed his active obligated service on 12 October 1982 with an Honorable characterization of service. He immediately reenlisted on 13 October 1982.

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d. On 20 May 1983, Petitioner received his first non-judicial punishment (NJP) for disrespect to a NCO and urinating on the deck of a squad bay. Then, on 30 January 1984, he received his second NJP for an unauthorized absence (UA). On 15 May 1984, he was found guilty at special court-martial (SPCM) for 7 days UA, destruction of government property (padlock) and larceny of U.S. Government property totaling [REDACTED]. As a result, he was awarded a Bad Conduct Discharge (BCD). After completion of all levels of review, Petitioner was discharged pursuant to his sentence.

g. Petitioner provided his reenlistment contract and certificate of service showing an Honorable discharge.

CONCLUSION:

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

First, the Board concluded insufficient evidence exists to support Petitioner's request for a discharge upgrade. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJPs and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and found that his conduct showed a complete disregard for military authority and regulations. As a result, the Board concluded Petitioner's conduct constituted a significant departure from that expected of a service member and continues to warrant a BCD. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner an upgrade to his characterization of service or an upgrade as a matter of clemency or equity.

Notwithstanding the determination that an upgrade to his characterization of service was not supported by the evidence, the Board determined it was in the interests of justice to properly document his first period of continuous honorable service. Therefore, the Board concluded Petitioner should be issued two separate DD Form 214's to document each of his enlistment period.

RECOMMENDATION:

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

Petitioner be issued a DD Form 214, for the period ending 12 October 1982, stating that his characterization of service was "Honorable," his separation reason as "Expiration of Enlistment," his separation code as "MBK1," his separation authority as "MARCORPSEPMAN para 1005," and his reentry code of "RE-1A."

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[REDACTED] USMC

Petitioner be issued a second DD Form 214, for his period ending 15 November 1984, with a characterization of "Bad Conduct Discharge," separation reason of "Special Court-Martial," reentry code of "RE-4," separation authority of "MARCORPSEPMAN para 1105," and separation code of "JJD2."

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 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.

1/24/2023

[REDACTED]

Executive Director

[REDACTED]