



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

[REDACTED]
Docket No: 7631-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
XXX XX [REDACTED] USMC

Ref: (a) 10 U.S.C. §1552
(b) SECDEF 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 w/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 changing his character of service to Honorable.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 4 November 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, and reference (b), 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 service on 4 January 2000. On 28 March 2002, Petitioner was counseled regarding his ineligibility for promotion due to lack of leadership and initiative. On 3 January 2004, Petitioner was discharge

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with a General (Under Honorable Conditions) (GEN) character of service upon the completion of his active service, and issued a RE-1A reentry code.

d. Petitioner argues he was an exemplary Marine who served in combat and fulfilled his enlistment with honor and good conduct. Petitioner believes his assigned character of service is an administrative error because during his service he did not receive non-judicial punishment (NJP) or any type of court martial (CM). Petitioner states his assigned character of service prevents him from receiving veterans preference for employment.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board determined that there exists an error which requires relief. The Board noted Petitioner was counseled on one occasion, and found no other incidences of misconduct in Petitioner's record to support a GEN character of service. The Board determined that an Honorable characterization is appropriate when the quality of the Marine's service generally has met the standards of acceptable conduct and performance of duty, or is otherwise so meritorious that any other characterization would be inappropriate. The Board concluded Petitioner's overall service in the USMC supports an Honorable characterization. Accordingly, the Board voted unanimously to provide relief and to change Petitioner's record, in the form of upgrading his character of service to Honorable.

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

RECOMMENDATION:

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) indicating an Honorable character of service.

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 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.

11/30/2022

[REDACTED]
Executive Director

Signed by: [REDACTED]