



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

█
Docket No. 8352-22
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. 1552
(b) Under Secretary of Defense for Personnel and Readiness memorandum regarding equity, injustice, or clemency determinations dated 25 July 2018 (Wilkie Memo)

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

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting a change to his naval record, specifically, to change his General (Under Honorable Conditions) (GEN) characterization of service to Honorable. He also implied and requested that his Narrative Reason for Separation "Alcohol Abuse Rehabilitation Failure" with associated changes to his reenlistment code, separation code (SPD), and separation authority be changed. Enclosures (1) through (3) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 13 March 2023 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 to included reference (b).

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 entered active duty in the Marine Corps on 4 December 1989. On 17 March 1990, he was counseled on his failure to conform to the good order and discipline established by

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the Marine Corps. During the period from 7 September 1990 to 26 November 1990, Petitioner received two non-judicial punishments (NJP) for unlawfully entering the motor pool and incapacitated for the performance of duties. On 7 February 1991, he was terminated from Level III Alcohol Rehabilitation Program due to receiving poor prognosis on his evaluation. As a result, he was recommended for administrative separation. Subsequently, Petitioner was notified of pending administrative separation action by reason of alcohol abuse rehabilitation failure. After waiving his rights, Petitioner's commanding officer (CO) forwarded his package to the separation authority (SA) recommending his discharge with a GEN characterization of service. The SA approved the CO's recommendation and directed a GEN characterization of service by reason of alcohol abuse rehabilitation failure. On 31 May 1991, he was so discharged.

CONCLUSION:

Upon review and consideration of all the evidence of record, especially in light of reference (b), the Board concludes that Petitioner's request warrants partial favorable action.

In keeping with the letter and spirit of the Wilkie Memo, the Board determined that it would be an injustice to label one's discharge as being for an Alcohol Abuse Rehabilitation Failure. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate a change. Accordingly, the Board concluded that Petitioner's discharge should not be labeled as being for an Alcohol Abuse Rehabilitation Failure and that certain remedial administrative changes are warranted to the DD Form 214.

Notwithstanding the corrective action recommended below, the Board determined Petitioner's characterization of service remains appropriate based on his record of misconduct that included two NJPs. 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. However, after thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board determined that an Honorable discharge was appropriate only if the Marine's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record even under the liberal consideration standards for mental health conditions, and that a GEN discharge characterization and no higher was appropriate. In making this finding, the Board considered the relatively brief period of active duty service and weighed it against his record of misconduct. In addition, the Board also concluded that Petitioner remains unsuitable for further military service and his assigned reentry code of RE-4 remains appropriate.

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

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RECOMMENDATION:

That Petitioner's naval record shall be corrected by changing the narrative reason for separation to "Secretarial Authority", SPD code as "JFF1", and separation authority as "MARCORPSEPMAN 6214".

That Petitioner is issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting the recommended changes.

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.

3/25/2023

