



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

█  
Docket No. 8944-22  
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) 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 (Wilkie Memo)

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

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a change to his naval record, specifically, to change his "Other Than Honorable (OTH)" 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 13 February 2023 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, applicable statutes, regulations, and policies, to include 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 enlisted in the Marine Corps and began a period of active duty on 20 September 1974. On 8 October 1975, Petitioner was in an unauthorized absence (UA) status for one day. On 26 November 1975, Petitioner received non-judicial punishment (NJP) for two days of UA. On 12 February 1976, Petitioner received NJP for absence from appointed place of duty. Subsequently, Petitioner went UA on 20 February 1976 and remained absent until apprehended.

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On 20 September 1976, he requested a good of the service (GOS) discharge in lieu of trial by court-martial for UAs totaling 213 days. Prior to submitting this request, Petitioner conferred with a qualified military lawyer, at which time he was advised of his rights and warned of the probable adverse consequences of accepting such a discharge. Petitioner's request was granted and his commanding officer (CO) was directed to issue an Other Than Honorable (OTH) discharge for the GOS. On 23 September 1976, he were so discharged

d. Post-discharge, Petitioner applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. On 10 April 1991, the NDRB denied Petitioner's request after determining that his discharge was proper as issued.

e. Petitioner contends he found his discharge to be unjust because he went UA in order to help his ill mother. For the purpose of clemency and equity consideration, Petitioner submitted several character letters in support of his application that describes his positive post-discharge character and contributions to society.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and in light of reference (b), the Board concludes that Petitioner's request merits relief. The Board notes Petitioner's disciplinary infraction and does not condone his misconduct. However, the Board concluded that Petitioner's record of post-service conduct supports the recommended relief in his case. As a result, the Board concluded, purely as a matter of clemency, it was appropriate to upgrade Petitioner's characterization of service to General (Under Honorable Conditions).

Notwithstanding the recommended corrective action, the Board concluded Petitioner's Narrative Reason for Separation, SPD code, reentry code, and Separation Authority remains appropriate based on his record of misconduct. Ultimately, the Board determined any injustice in Petitioner's case is adequately addressed with the recommended corrective action. In making this finding, the Board took into consideration that Petitioner was already granted a large measure of clemency when the Marine Corps approved his request to be discharge for the GOS in lieu of trial by court-martial.

#### RECOMMENDATION:

In view of the foregoing, the Board finds in favor of clemency warranting the following corrective action:

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) that indicates, on 23 September 1976, he was discharged with a "General (Under Honorable Conditions)" characterization of service.

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

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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.

2/24/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]