



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

██████████  
Docket No. 6975-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████  
██████████

Ref: (a) 10 U.S.C. §1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject's spouse, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting her deceased husband's discharge be upgraded.
2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 13 November 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, relevant portions of his naval service records, and applicable statutes, regulations, and policies including 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. Although Petitioner did not file her application in a timely manner, the statute of limitation was waived in the interests of justice.
  - b. Petitioner's spouse (SNM) enlisted in the U.S. Marine Corps Reserve and began a period of active duty on 11 October 1950. On 27 April 1951, he was found guilty at a summary court-martial (SCM) of a 28-day period of unauthorized absence (UA). He was sentenced to be confined for 45 days and to forfeit \$30.00 pay per month for six months. On 5 May 1951, the convening authority reduced SNM's forfeitures to \$20.00 pay per month for six months and held his confinement in abeyance for six months. SNM later submitted a request for a humanitarian transfer, on 5 July 1951, which was subsequently disapproved. One day after the disapproval of his request, SNM commenced another period of UA which lasted 67 days until voluntary return. On 5 December 1951, SNM was found guilty at a general court-martial (GCM) of UA and

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[REDACTED]

sentenced to a Bad Conduct Discharge (BCD), forfeiture of \$40.00 pay per month for four months, confinement at hard labor for four months, and to be reduced in rank to E-1. On 15 February 1951, SNM was discharged with a BCD as a result of his sentence at a GCM.

c. Petitioner contends SNM's discharge was unjust as it was based on personal hardships specific to his mother's health and financial circumstances. She added that, "he returned voluntarily and post-discharge was a loving husband for 58 years and father of five who had several successful businesses."

d. For purposes of clemency and equity consideration, Petitioner provided the following documents: a personal statement, a USMC Recruit Station Certificate of Acceptance, SNM's Certificate of Death, SNM's Platoon 190 photo, a postcard from SNM to his mother, SNM's Certificate of Occupancy, SNM's business card, SNM's Special Gold Veteran's Badge Certificate, appreciation correspondence (1971, 1975, 1987), a [REDACTED] Country Department of Health Services food permit, SNM's Food Manager's Certificate, and "My Hero," song lyrics written by SNM's son.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. Specifically, with regard to Petitioner's request that SNM's discharge be upgraded, the Board noted SNM's misconduct and does not condone his actions. However, in light of reference (b), after reviewing the record holistically, given the totality of the circumstances, and as a matter of clemency, the Board concluded SNM's discharge characterization should be upgraded to "General (Under Honorable Conditions)." In making this finding, the Board considered Petitioner's extensive post-discharge accomplishments and good conduct.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member'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, and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate.

Additionally, the Board also concluded that Petitioner's basis for separation remains appropriate based on his GCM conviction. Ultimately, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

#### RECOMMENDATION:

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

Petitioner be issued a new DD Form 214, for the period ending 15 February 1952, indicating the character of service as "General (Under Honorable Conditions)."

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[REDACTED]

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.

11/29/2023

