



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

█
Docket No. 7978-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
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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

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 social security number (SSN) be corrected, he be awarded a second Purple Heart (PH) Medal, and that his characterization of service be upgraded to Honorable on his Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 29 January 2024, 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 to include referenced (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 review the application on its merits.

c. Petitioner enlisted in the U.S. Marine Corps and began a period of active service on 21 April 1966. His official military personnel file (OMPF) documents he was hospitalized due to a shrapnel wound which occurred while he was in the Republic of █ from 9 January 1967 to 23 February 1967. His OMPF further documents he was discharged with a General (Under

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Honorable Conditions) (GEN) characterization of service on 26 September 1969 with a total lost time of 292 days. Upon his discharge, he was issued a DD Form 214 that listed the second digit of his SSN incorrectly.

d. Petitioner contends: (1) his SSN is incorrect on his DD Form 214, (2) his second PH is missing from his DD Form 214, (3) due to life changes and maturity, he would like his discharge upgraded to Honorable (HON), and (4) he has PTSD and would like to take advantage of the help available to him. The Board noted Petitioner checked the "PTSD" box on his application but chose not to respond to the 2 October 2023 letter from the Board requesting evidence in support of this claim.

e. For purposes of clemency and equity consideration, the Board noted Petitioner provided a copy of his SSN card, his DD Form 214, and a transmittal of and/or entitlement to awards letter.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants favorable action in the form of partial relief. Specifically, the Board noted Petitioner's SSN is incorrectly documented on his DD Form 214 and should be corrected.

With regard to Petitioner's request that his characterization of service be upgraded, 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. These included, but were not limited to, Petitioner's previously mentioned requests and contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that his misconduct, as evidenced by his multiple periods of unauthorized absences captured as "Time Lost" in his OMPF and on his DD Form 214, outweighed any mitigating factors presented. In making this finding, the Board considered the seriousness of his misconduct and found that his conduct showed a complete disregard for military authority and regulations. Further, the Board considered that Petitioner was assigned a GEN characterization of service despite significant periods of lost time. This indicated to the Board that Petitioner already received a large measure of clemency. As a result, the Board concluded significant negative aspects of Petitioner's service outweighed the positive aspects and continues to warrant a GEN characterization. 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 a discharge upgrade or granting an upgrade as a matter of clemency or equity.

With regard to Petitioner's request that he be issued a second PH medal, upon review and consideration of all of the evidence of record, the Board concludes Petitioner's request does not warrant relief. However, the Board did note, per the transmittal of and/or entitlement to awards letter, dated 3 August 2006, that there may be awards the Petitioner is entitled to that are not listed on his DD Form 214. As such, the Board determined that it was in the interest of justice to properly document all awards Petitioner is entitled to on his DD Form 214. Therefore, the Board

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concluded Headquarters, U.S. Marine Corps (HQMC) shall conduct a review of Petitioner's service record.

RECOMMENDATION:

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

That HQMC conduct a review of Petitioner's OMPF to verify/confirm his entitled awards and decorations.

Petitioner be issued a Correction to Certificate of Release or Discharge from Active Duty (DD Form 215) correcting his social security number to [REDACTED] and adding any missing awards and/or decorations.

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.

2/13/2024

[REDACTED]