DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 03415-10
2 February 2011

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

Subj: REVIEW OF NAVAL RECORD ICO [redacted]

Ref: (a) 10 U.S.C. 1552

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 Marine Corps, filed enclosure (1) with this Board requesting a change in his general characterization of service issued on 10 April 1970.

2. The Board, consisting of Mr. , Mr. , and Mr. reviewed Petitioner's allegations of error and injustice on 1 February 2011 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.

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 statue of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 14 November 1968 for two years. He served without incident and was released early on 10 April 1970 under honorable conditions due to a general demobilization, and a

reduction in authorized strength program at the expiration of his enlistment. He was transferred to the Marine Corps Reserve. At that time, he was issued a Certificate of Release or Discharge from Active duty (DD Form 214) that reflected the award of the Vietnam Service Medal with one star, and Vietnam Campaign Medal with device. His conduct average, which was computed from marks assigned on a periodic basis, was 4.3, well above the requirement of a 4.0 average which was required for fully honorable characterization of service. He was discharged under honorable conditions on 30 October 1974 at the completion of his obligated service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

Although Petitioner was released from active duty with a characterization of under honorable conditions, the Board concludes that, in view of his overall record of military service with no disciplinary action, excellent conduct average, and the fact that the record does not support the assignment of a general characterization of service, the record should reflect a fully honorable characterization of service.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show Petitioner was honorably released from active duty on 10 April 1970 vice under honorable conditions. This should include the issuance of a new DD Form 214.

b. That a copy of this report of proceedings be filed in Petitioner's naval record.

c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 29 March 2010.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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.

Brian J. George

ROBERT D. ZSALMAN
Recorder

BRIAN J. GEORGE
Acting Recorder

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.

W. DEAN PFEIFFER
Executive Director