



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

Docket No. 3570-16
SEP 24 2017

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USMC,
XXX XX [REDACTED]

Ref: (a) 10 U.S.C. §1552

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

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting, in effect, that his other than honorable (OTH) discharge be changed to an honorable. Enclosures (1) through (3) apply.

2. The Board reviewed Petitioner's allegations of error and injustice on 7 June 2017 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 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 statute limitation and review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 26 January 1993. Petitioner's record identifies him being awarded a Good Conduct Medal, Meritorious Mast on two occasions, a Letter of Appreciation and the Secretary of the Navy Letter of Commendation. On 31 July 1996, the Petitioner's semiannual marks were Proficiency marks of 4.3 and Conduct marks of 4.4. On 1 November 1996, the Petitioner received a non-judicial punishment for knowingly and wrongfully using a controlled substance after testing positive for marijuana. As a result of the foregoing, administrative discharge action was initiated. After being afforded all of his procedural rights, it was directed that he receive an other than honorable discharge (OTH) by reason of involuntary discharge due to drug abuse. On 24 January 1997, he was discharged.

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CONCLUSION

After considering enclosures (1) - (3), Petitioner's overall record of military service, the Board concludes that Petitioner's request warrants partial relief in the form of *changing Petitioner's characterization of service* to a "*general under honorable conditions*," and the *narrative reason for separation* to "*secretarial authority*." The Board noted that normally a DD Form 215 would be issued to correct the record. However, issuing a new DD Form 214 will allow the Petitioner to obtain various benefits, services, employment, etc., without being subject to otherwise invasive questions about personal matters.

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

RECOMMENDATION:

That Petitioner's naval record be corrected to show that on 24 January 1997, the characterization of service was "general under honorable conditions," and that his narrative reason for separation be changed to read "secretarial authority".

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

That no further relief be granted.

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

That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 21 April 2016.

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.

[REDACTED]

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 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.

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XXX XX [REDACTED]

[REDACTED]
Executive Director