



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

[REDACTED]
Docket No: 8876-17 /
3074-17
JAN 31 2018

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
XXX-XX [REDACTED] USMC

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 (NR20170008876)
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting reconsideration of the denial of his previous request for correction of his record. Petitioner seeks correction to his Certificate of Release or Discharge from Active Duty (DD Form 214) to reflect a change to his character of service from general under honorable conditions to honorable.

2. The Board, consisting of [REDACTED], reconsidered Petitioner's allegations of error and injustice on 29 January 2018, 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.

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. Enclosure (1) was reconsidered in accordance with Board of Correction of Naval Records procedures that conform to Lipsman v. Secretary of the Army, 335 F.Supp.2d 48 (D.D.C. 2004).

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 23 January 1996.

d. On 25 October 1996, Petitioner received nonjudicial punishment (NJP) for wrongfully consuming alcohol while underage. On 19 June 1997, he received a second NJP for wrongfully disobeying a lawful order, drunk and disorderly conduct, and damaging the vehicle of [REDACTED]

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XXX-XX [REDACTED] JSMC

National (service discrediting). On 12 August 1997, he received a third NJP for failing to go to his appointed place of duty (restricted muster). In March 1998, he was counseled for not properly following the chain of command. In August 1998, he received a fourth NJP for disrespectful language to a first sergeant. He was counseled the following month for not using sound judgment, specifically for riding on the hood of a moving vehicle. In November 1998, he received a fifth NJP for wrongfully writing a check in the amount of \$150.00 without sufficient funds.

e. During his enlistment, Petitioner served in operations in West Africa and the Balkan Peninsula.

f. On 22 January 2000, Petitioner was discharged with a general under honorable conditions character of service at the completion of his required active duty and a RE-3C reentry code.

g. On 23 June 2017, BCNR denied Petitioner's request for a change in character of service, reentry code, narrative reason for separation, and separation code.

h. On 29 September 2017, Petitioner's submitted a request for reconsideration of BCNR's previous denial. On 26 January 2018, Petitioner's counsel requested expedited processing due to Petitioner's terminal illness.

CONCLUSION

Upon review and consideration of all the evidence of record and especially in light of the Petitioner's post-service conduct, the Board concludes that Petitioner's request warrants relief.

The Board members noted that while they did not condone Petitioner's in-service behavior, they unanimously concluded that Petitioner is entitled to an upgrade to his character of service as a matter of clemency.

Two of the three Board members determined that Petitioner's post-service conduct and contributions as a [REDACTED] Police Detective alone outweighed the misconduct reflected in his service record. The third Board member noted that Petitioner's terminal illness weighed heavily in her decision to grant Petitioner full relief.

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

RECOMMENDATION:

That Petitioner be issued a new DD Form 214 to show he was discharged from the Marine Corps on 22 January 2000, with an honorable character of service.

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 13 October 2017.

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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.

[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 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.

[REDACTED]
Executive Director