



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

██████████  
Docket No. 0344-24

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████  
XXX XX ██████/█████ USMC

Ref: (a) 10 U.S.C. §1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)  
(c) USECDEF Memo of 25 Aug 17 (Kurta Memo)  
(d) SECDEF Memo of 13 Sep 14 (Hagel Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record (excerpts)  
(4) Advisory Opinion of 3 Jul 24

1. Pursuant to the provisions of reference (a), Petitioner, the widow of a former service member (SM) of the Marine Corps, filed enclosure (1) requesting upgrade SM's character of service. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 22 July 2024 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of SM's naval record, and applicable statutes, regulations, and policies, to include references (b) through (d). Additionally, the Board also considered the advisory opinion (AO) furnished by qualified mental health provider, which was considered favorable toward Petitioner.

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, the statute of limitation was waived in accordance with the Kurta Memo.

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c. [REDACTED] enlisted in the Marine Corps and began a period of active service on 8 September 1967.

d. Between 14 February 1968 and 26 March 1968, [REDACTED] participated in [REDACTED], [REDACTED], and [REDACTED], against insurgent forces of the [REDACTED].

e. On 29 April 1968, [REDACTED] received non-judicial punishment (NJP) for unauthorized absence (UA) for the period of 15 – 26 April 1968.

f. Between 19 and 30 May 1968, [REDACTED] participated in [REDACTED].

g. On 16 September 1968, [REDACTED] was convicted at Summary Court-Martial (SCM) of UA for the period of 10 August through 8 September 1968, and an orders violation for being found in an off-limits area. SM's sentence included reduction in paygrade to E1, forfeiture of \$75 pay per month for one month, and five days of hard labor.

h. Between 20 and 27 November 1968, [REDACTED] participated in [REDACTED].

i. [REDACTED] again participated in operations in [REDACTED] with [REDACTED], 23 January 1969 to 26 January 1969, when he was injured in combat, receiving fragmentation wounds in both legs from an explosive device, and hospitalized in [REDACTED].

j. On 20 May 1969, [REDACTED] was awarded a Navy Achievement Medal with Combat "V" device for Valor.

k. On 2 June 1969, [REDACTED] commenced a period of UA ended by his surrender on 22 July 1969.

l. On 23 July 1969, [REDACTED] again commenced a period of UA, ended by his surrender on 19 August 1969.

m. On 24 February 1970, [REDACTED] again commenced a period of UA, ended by his surrender on 11 March 1970.

n. On 24 March 1970, [REDACTED] was charged with three specification of UA. A discharge for the Good of the Service was then requested, the separation authority approved the request, and [REDACTED] was discharged, on 27 April 1970, with an undesirable characterization. Upon his discharge, he was issued a DD Form 214 that appears not to accurately document his decorations and awards.

o. As part of the Board's review, the Board considered enclosure (4). The AO states in pertinent part:

The Petitioner submitted a letter indicating that [REDACTED] had psychiatrically admitted himself on at least a few occasions at a VA hospital in [REDACTED]. She also stated that he exhibited symptoms of PTSD. She submitted medical records reflecting cardiovascular conditions and death certificate of her husband [REDACTED]. Although there is no evidence that the [REDACTED] was diagnosed with a mental health condition

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while in military service, his repeated UA's in and/out of theatre could have been due to PTSD symptoms. His record does indicate a year-long deployment and participation in multiple combat operations in [REDACTED].

The AO concluded, "it is my considered clinical opinion there is sufficient evidence of a mental health condition that may be attributed to military service. There is sufficient evidence that his misconduct could be attributed to an undiagnosed mental health condition."

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of enclosure (4), the Board concludes that Petitioner's request warrants relief. The Board reviewed her application under the guidance provided in references (b) through (d).

In this regard, the Board noted SM's misconduct and does not condone his actions. However, the Board's decision is based on the conclusion reached in the AO that a mental health condition existed at the time of his misconduct, could be attributed to his misconduct, and subsequently resulted in his undesirable character of service. After careful and liberal consideration of all of the evidence, the Board felt that SM's mental health condition mitigates the misconduct he committed while on active duty since this condition outweighed the severity of the misconduct. The Board concludes that no useful purpose is served by continuing to characterize the SM's service as having been Other Than Honorable, and re-characterization to Honorable is now more appropriate. Additionally, the Board determined that SM's reason for separation be changed to reflect a Secretarial Authority discharge. Finally, the Board determined SM's record requires an audit to accurately document all awards to which he is entitled.

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

## RECOMMENDATION

That [REDACTED] be issued a new DD Form 214 indicating, for the period ending 27 April 1970, his character of service as "Honorable," separation authority as "MARCORSEPMAN 6214," separation code as "JFF1," narrative reason for separation as "Secretarial Authority," and reentry code as "RE-1J."

That Petitioner be issued an Honorable Discharge Certificate.

The HQMC Awards Branch conduct a review of awards due to Petitioner.

That no further changes be made to Petitioner's record.

That 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

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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.

8/12/2024

