



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

██████████  
Docket No. 1608-24

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, USMC, ██████████

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 discharge be upgraded.

2. The Board, consisting of ██████████ and ██████████, reviewed Petitioner's allegations of error and injustice on 22 May 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 Petitioner's naval record, and applicable statutes, regulations, and policies, to include reference (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. After a period of Honorable service between on 9 July 1982 and 18 October 1982, Petitioner later reenlisted and commenced another period of active duty on 29 November 1984. On 30 January 1988, Petitioner immediately reenlisted and commenced his third period of active duty.

d. On 30 November 1989, Petitioner received non-judicial punishment (NJP) for three specifications of writing worthless checks, being indebted to another Marine, and being indebted

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to the Navy's Morale, Welfare and Recreation Program. On 23 March 1990, Petitioner was formerly counseled on writing worthless checks, financial responsibilities, maturity, leadership and unauthorized absence (UA). On 23 March 1990 and 26 September 1990, Petitioner received NJP for three specifications of written worthless checks and failure to go at time prescribed to appointed place of duty. Consequently, he was notified of pending administrative separation action by reason of a pattern of misconduct. After waiving his rights, Petitioner's commanding officer (CO) forwarded his package to the separation authority (SA) recommending his discharge by reason of misconduct due to a pattern of misconduct with an Other Than Honorable (OTH) characterization of service. The SA approved the CO's recommendation and directed Petitioner's discharge. On 21 December 1990, he was so discharged.

e. At the time of his discharge, Petitioner received a DD Form 214 that did not document his previous period of continuous Honorable service from 29 November 1984 to 29 January 1988.

f. Petitioner states that at the time of his discharge, he was experiencing financial and emotional hardship and he is currently financially and emotionally stable. For purposes of clemency and equity consideration, the Board noted Petitioner did not provide documentation describing post-service accomplishments or advocacy letters.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded Petitioner's request merits partial relief. As discussed, the Board noted that Petitioner's DD Form 214 does not document his previous period of continuous Honorable service and requires correction. Thus, the Board concluded that an administrative change to Petitioner's DD Form 214 should be made to show his Honorable period of service not covered by his DD Form 214s.

Regarding Petitioner's request to upgrade his characterization of service, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in his case in accordance with reference (b). These included, but were not limited to, Petitioner's desire to change his record and his previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined Petitioner's misconduct as evidenced by his NJPs, outweighed the potential mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and the likely negative impact his conduct had on the good order and discipline of his command. The Board also considered the likely negative impact Petitioner's conduct had on the good order and discipline of his command. Further, the Board noted that there is no evidence in Petitioner's record, and he submitted none, to support his contentions. Therefore, the Board was not persuaded by Petitioner's argument that his misconduct was due to him experiencing financial and emotional hardship.

As a result, the Board concluded Petitioner's conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. Even in light of the Wilkie Memos and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity.

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USMC [REDACTED]

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

That Petitioner be issued a "Correction to DD Form 214, Certificate of Release or Discharge from Active Duty" (DD Form 215) for the period ending 21 December 1990, to reflect the following changes:

Block 12a "Date entered AD this Period:" "20NOV84"

Note: Following the correction to Block 12a of the DD Form 214, for the period ending 21 December 1990, that any necessary changes to blocks 12c and 12d be made consistent with the change to block 12a.

Block 18. "Remarks:"

"CONTINUOUS HONORABLE SERVICE FROM 20NOV84 TO 29JAN88."

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 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 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.

6/12/2024

