



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

██████████  
Docket No. 3683-24

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 ██████/█████ USMCR

Ref: (a) 10 U.S.C. § 1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

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, hereinafter referred to as the Board, requesting to upgrade the character of his service for his entire enlistment to Honorable.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 7 June 2024 and, pursuant to its regulations, determined 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, 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. Petitioner enlisted in the United States Marine Corps Reserves (USMCR) and completed an Honorable period of active duty for training from 2 February 1969 to 30 July 1969. Petitioner's service record does not contain a DD Form 214 for this active period of service. He was released from active duty and transferred USMCR inactive duty training.

d. On 2 December 1973, Petitioner received non-judicial punishment (NJP) for failure to obey a lawful order. He received his second NJP, on 5 January 1974, for failure to obey a lawful order. He was counseled on two occasions concerning his unsatisfactory participation.

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XXX XX [REDACTED] USMCR

Ultimately, Petitioner was discharged with a General (Under Honorable Conditions) (GEN) character of service at the end of his enlistment. His final mark in conduct was a 3.8.

e. Petitioner previously applied to this Board for an upgrade to his characterization of service and was denied on 3 June 2010. The previous Board's decision noted that Petitioner did not possess the required conduct average to qualify for an Honorable characterization of service.

f. Petitioner contends he was assigned an Honorable service for his entire enlistment and it was changed to GEN without his knowledge. He also contends that committed no UCMJ violations or other serious infractions during his service.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and, the Board determined that partial relief is warranted. Specifically, the Board noted Petitioner's service record does not contain a DD Form 214 to document his active duty service from 2 February 1969 to 30 July 1969.

In regard to Petitioner's request for an upgrade to his character of service, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant the requested relief in Petitioner's case in accordance with the Wilkie Memo. These included, but were not limited to, his desire for a discharge upgrade and previously discussed contentions. For purposes of clemency and equity consideration, the Board noted Petitioner did not provide documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant the requested relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJPs and assigned conduct average, outweighed these mitigating factors. The Board again noted that Petitioner did not have sufficient conduct marks to receive an Honorable character of service. Further, the Board determined his conduct marks were supported by his record of misconduct. Finally, the Board found no evidence to substantiate Petitioner's contention that he was assigned an Honorable characterization of service for his entire enlistment and that it was later downgraded.

As a result, the Board concluded significant negative aspects of Petitioner's service outweigh the positive aspects and continues to warrant a GEN characterization. Even in light of the Wilkie Memo 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.

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

#### RECOMMENDATION:

Petitioner be issued a DD Form 214, for the period 27 January 1969 to 30 July 1969, indicating his character of service as "Honorable," separation authority as "MARCORSEPMAN par 1005,"

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XXX XX [REDACTED] [REDACTED] USMCR

separation code as "MBK," narrative reason for separation as "Transfer to Inactive duty (USMCR)," and a reenlistment code of "RE-1A."

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 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.

7/2/2024

