



Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

e. On 3 April 1998, Petitioner counseled concerning his failure to maintain the minimum standards and overall poor conduct.

f. On 16 April 1998, Petitioner received NJP for failure to go at the time prescribed to his appointed place of duty and dereliction in the performance of duty.

g. Subsequently, Petitioner was notified that he was being recommended for administrative discharge from the Marine Corps by reason of misconduct due to pattern of misconduct. Petitioner elected his right to consult with counsel and waived his right to present his case to an administrative discharge board (ADB).

h. Petitioner's commanding officer forwarded the administrative separation package to the separation authority recommending that Petitioner be administratively discharged from the Marine Corps with an Other Than Honorable (OTH) characterization of service. The separation authority approved the recommendation for administrative discharge but directed that Petitioner be issued a General (Under Honorable Conditions) (GEN) characterization of service. On 21 June 1998, Petitioner was so discharged. Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) erroneously reflected his character of service as "Other Than Honorable."

i. Petitioner contends that he unjustly received an NJP for unauthorized absence even though the absence was authorized.

## CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. Specifically, as discussed above, Petitioner's DD Form 214 inaccurately reflects his characterization of service as OTH and requires correction.

Regarding Petitioner's request for a discharge upgrade, 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 for a discharge upgrade and the previously mentioned contention raised by Petitioner in his application.

After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant granting a change to his assigned characterization of service. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of his misconduct and concluded his misconduct showed a complete disregard for military authority and regulations. Further, the Board also considered the likely negative impact his conduct had on the good order and discipline of his unit. Furthermore, the Board determined that the evidence of record did not demonstrate that Petitioner was not responsible for his conduct or that he should otherwise not be held accountable for his actions. The Board found that his misconduct was intentional and made him unsuitable for continued naval service.

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Thus, based on these factors, the Board determined significant negative aspects of Petitioner's active-duty service outweighed the positive aspects and continues to warrant a GEN characterization. Therefore, even in light of reference (b) and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the additional relief he requested or granting the additional requested relief as a matter of clemency or equity.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new DD Form 214 reflecting that, for the period ending 21 June 1998, Petitioner's character of service was "General (Under Honorable Conditions)."

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

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

4. It is certified that 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.

11/20/2024

