



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

█
Docket No. 6145-24

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF █
XXX XX █ USMC

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

Encl: (1) DD Form 149 w/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 for an upgrade of his character of service and change his narrative reason for separation and separation code.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 4 September 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, 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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the Marine Corps and began a period of active duty on 28 August 1980.

c. On 30 April 1981, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA), absence from his appointed place of duty, failure to obey order or regulation, and appearing in a dirty uniform and without proper insignia.

d. On 1 February 1982, Petitioner received a second NJP for two specifications of UA and incapacitated for the proper performance of duty.

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e. On 30 January 1984, Petitioner received a third NJP for three specifications of UA and missing movement.

f. During the period of 3 February 1984 to 29 February 1984, Petitioner was admitted to the Alcohol Rehabilitation Service (ARS) and subsequently discharged from ARS with a diagnosis of alcoholism.

g. On 15 March 1984, Petitioner was notified that he was being recommended for administrative discharge from the Marine Corps by reason of alcohol rehabilitation failure as evidenced by his failure to successfully complete the alcohol rehabilitation program. Petitioner was advised of and waived his procedural right to consult with military counsel and to submit a statement in rebuttal to his proposed separation.

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 a General (Under Honorable Conditions) (GEN) characterization of service. The separation authority approved the recommendation for administrative discharge and directed Petitioner's GEN discharge from the Marine Corps by reason of alcohol rehabilitation failure. On 10 May 1984, Petitioner was so discharged.

i. Petitioner contends the following injustices warranting relief:

(1) His narrative reason for separation can be regarded as part of his medical record and thereby confidential in nature. Moreover, those remarks carry a negative connotation that unjustly criticizes his self-worth.

(2) His successful completion of veterans' health administration substance abuse programs, community service, and extensive educational accomplishments help correct his past and similar failures in the Marine Corps.

(3) A newly corrected amended DD Form 214 serves to avoid invasive questioning regarding any upgrade to his military record.

j. For purposes of clemency and equity consideration, the Board considered the supporting documentation Petitioner provided in support of his application.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief in the interests of justice.

In keeping with the letter and spirit of the Wilkie Memo, the Board determined that it would be an injustice to label one's discharge as being for an alcohol rehabilitation failure. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate a change. Accordingly, the Board concluded that Petitioner's discharge should not be labeled as being for an alcohol related condition and that certain remedial administrative changes are warranted to the DD Form 214.

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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 contentions 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. 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. 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.

Finally, based on Petitioner's unsuitability for further military service, the Board determined his assigned reentry code remains appropriate. 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. Ultimately, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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 Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 10 May 1984, Petitioner's narrative reason for separation was "Secretary of the Navy Plenary Authority," the SPD code assigned was "JFF1," and the separation authority was "MARCORSEPMAN PAR 6214."

That no further correction action be taken on Petitioner's naval 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

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

9/19/2024

