



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

Docket No. 7990-24

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF
XXX XX [REDACTED] USMC

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 (Board), requesting his characterization of service be upgraded.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 11 December 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, and policies.

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 U.S. Marine Corps and began a period of active duty on 9 October 1964.

d. On 28 January 1965, Petitioner received his first non-judicial punishment (NJP) for 25 minutes unauthorized absence (UA). On 18 July 1967, Petitioner received his second NJP for less than two hours UA. On 11 August 1967, Petitioner received his third NJP for leaving his post before being relieved and wrongfully wearing the insignia of lance corporal. On 25 October 1967, Petitioner received his fourth NJP for 24 hours UA.

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e. Petitioner deployed to the [REDACTED] in 1967 and participated in numerous combat operations between December 1967 and October 1968.

f. On 4 October 1968, Petitioner was discharged at the end of his obligated service with a his characterization of service was "Under Honorable Conditions."

g. Petitioner states he is unable to access certain veterans' benefits with his current discharge characterization.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo.

The Board does not condone Petitioner's misconduct; however, it concluded clemency is appropriate in his case. In making this finding, the Board concluded that his misconduct was relatively minor in nature and all took place prior to his deployment to [REDACTED]. The Board further found the record reflected no misconduct while participating in multiple combat operations. Therefore, based on the unique circumstances of Petitioner's case, the Board determined it was in the interests of justice to upgrade Petitioner's characterization of service to Honorable.

RECOMMENDATION:

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

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 4 October 1968, stating that his characterization of service was "Honorable."

No further changes be made to Petitioner's record.

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

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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.

1/7/2025

