



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

Docket No. 8045-24

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) 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), the subject member's daughter, on behalf of 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.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 January 2025 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 26 January 1968.

c. During the period from July 1968 to September 1969, Petitioner participated in direct support of Operations in the [REDACTED]

d. On 8 December 1971, Petitioner was convicted by a general court-martial (GCM) of unauthorized absence totaling 669 days. As punishment, Petitioner was sentenced to confinement, forfeiture of pay, reduction in rank, and a Bad Conduct Discharge (BCD).

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e. Subsequently, the BCD adjudged was approved at all levels of review and Petitioner was so discharged on 16 June 1972.

f. The daughter of the Petitioner contends the following injustices warranting relief:

(1) Petitioner was an extremely honorable man and a true warrior to the end,

(2) Petitioner was battling PTSD; he witnessed many deaths that haunted him, he suffered injuries from shrapnel and was lucky to make it back home,

(3) It is unjust to strip away benefits to any servicemen that was in any time of war, moreover, if they were exposed to things that can bring them future harm, and

(4) Petitioner tried multiple times to get help, unfortunately, he did not have the knowledge to get the help he needed.

Additionally, the applicant checked the "PTSD" box on the application but chose not to respond to the Board's request for supporting evidence of this claim.

g. For purposes of clemency and equity consideration, the Board considered the documentation provided in support of the application.

CONCLUSION

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

The Board found no error or injustice in Petitioner's BCD. Petitioner pleaded guilty to a significant criminal offense for which a punitive discharge and confinement was warranted. No procedural defects in this execution of this discharge were evidenced or claimed by Petitioner.

However, the Board reviewed Petitioner's application under the guidance provided in reference (b). In this regard, the Board considered, among other factors, Petitioner's immaturity at the time of his misconduct and the passage of time since Petitioner's discharge. After reviewing the record holistically and given the totality of the circumstances and purely as a matter of clemency, the Board concluded Petitioner's discharge characterization should be changed to General (Under Honorable Conditions) (GEN).

While finding clemency to be warranted under the circumstances, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining those certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record, and that a GEN discharge characterization and no higher was appropriate.

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Further, the Board determined Petitioner's narrative reason for separation, separation authority, separation code, and reentry code remain appropriate in light of his misconduct and unsuitability for further military service. Ultimately, the Board concluded 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 from Active Duty (DD Form 214) reflecting that, for the period ending 16 June 1972, his character of service was "General (Under Honorable Conditions)."

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

2/12/2025

