



Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[REDACTED]

d. He received medical care in-theater and was returned to duty on 31 July 1967, where he continued to serve in four additional named combat operations between 1 August 1967 and 1 September 1967.

e. On 27 September 1967, he received a Red Cross Message regarding his pregnant fiancé's estimated due date of 16 November 1967, and he was granted 20 days of emergency leave to marry her prior to his child's birth.

f. He overstayed his approved period of emergency leave. In December 1967, an inquiry into his status identified that he had been seen by a Department of Veterans Affairs (VA) hospital for a complaint of a back injury, but had failed to follow up on his care.

g. On 22 January 1968, he was declared a deserter with an effective date of 26 November 1967. Subsequently, a charge sheet was issued for his alleged violation of Article 85 of the Uniform Code of Military Justice due to being absent without authority with the apparent intent to remain permanently away.

h. On 15 January 1975, a Joint Alternate Service Board convened to review his case. The following day, he reported to the Clemency Processing Unit to be processed for administrative discharge.

i. On 21 January 1975, he requested an undesirable discharge for the good of the service, which was approved, and he was discharged the same date under other than honorable conditions.

j. Prior to his unauthorized absence, his average proficiency and conduct marks would have been sufficient to warrant an Honorable characterization of service if he had continued to serve through the duration of his obligated service. Following his prolonged absence, his final conduct average was, however, insufficient for an Honorable characterization.

k. Petitioner sought review of his discharge under consideration of clemency and submitted three character letters in support of his request.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief. The Board reviewed the application under the guidance provided in reference (b).

In this regard, the Board noted Petitioner's prolonged unexcused absence and does not condone it. However, the Board favorably considered relevant clemency factors in accordance with reference (b), to include but not limited to: Petitioner's otherwise Honorable period of service prior to his absence, his participation in numerous combat operations both before and after the combat-incurred injuries for which he was awarded the Purple Heart Medal, his youth and immaturity at the time of his absence, the length of time since his misconduct in conjunction with his old age, his acceptance of responsibility for his UA period, and his reputation within his

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community as evidenced by his letters of support. As a result, the Board found that the totality of favorable matters in support of clemency sufficiently outweighed the severity of the misconduct which resulted in Petitioner's approved discharge for the good of the service following his prolonged unexcused absence. Accordingly, the Board determined that it is in the interest of justice, purely as a matter of clemency, to upgrade Petitioner's characterization of service to General (Under Honorable Conditions).

Notwithstanding the recommended corrective action below, 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 that certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate. Further, the Board determined that Petitioner's reason for separation remains appropriate based on his record of misconduct. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending 21 January 1975, he was discharged with a "General (Under Honorable Conditions)" characterization of service.

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

10/28/2024