



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

Docket No. 8760-24  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF  
[REDACTED] USMCR

Ref: (a) 10 U.S.C. 1552  
(b) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting an upgrade of his characterization of service to Honorable. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 25 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.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute limitation and review the application on its merits.

c. Petitioner enlisted in the Marine Corps Reserve and commenced a period of active duty on 23 August 1993. On 26 February 1994, he completed his initial active duty training. On 27 February 1994, he reported to his Marine Corps Reserve unit. While assigned to his reserve unit, Petitioner accumulated 20 unexcused absences from scheduled drills. On 8 September 1996, he was formerly counseled on his unsatisfactory drill participation. On 3 November 1996,

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Petitioner's commanding officer (CO) attempted to notify him of his intentions of recommending him for administrative separation due to failure to participate in scheduled drills. Petitioner failed to return the acknowledgement resulting in him waiving his rights associated with his administrative separation processing. On 9 April 1997, Petitioner's CO forwarded his package to the separation authority (SA) recommending his discharge due to failure to participate with an Other Than Honorable (OTH) characterization of service. The SA approved the recommendation, and on 13 June 1997, he was so discharged.

d. Petitioner contends that his job did not exist at his reserve unit, and he was assigned to do non-MOS related duties, he went UA after his request to be transferred was denied, and his command lied by saying his expertise was required at the unit. Petitioner further contend that after discharge, he worked in the law-enforcement profession as a security guard and a correctional officer for 19 years and an upgrade discharge is required in order to keep his current employment.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request merits partial relief. Specifically, in light of reference (b), after reviewing the record holistically, given the totality of the circumstances, and purely as a matter of clemency, the Board concluded Petitioner's discharge characterization should be upgraded to General (Under Honorable Conditions) (GEN). The Board notes Petitioner's disciplinary infraction and does not condone his misconduct. However, the Board considered Petitioner's post-discharge accomplishments and his contributions to society as a law enforcement officer. As a result, the Board concluded, it was appropriate to change Petitioner's characterization of service to General (Under Honorable Conditions) (GEN). Further, the Board determined it was also in the interests of justice to change Petitioner's Narrative Reason for Separation to Secretarial Authority with associated changes to his SPD code, Separation Authority, and reentry code.

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 Marine'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 GEN discharge characterization and no higher was appropriate. Ultimately, the Board determined any injustice in Petitioner's case is adequately addressed with the recommended corrective action.

In view of the foregoing, the Board finds in favor of clemency warranting the following corrective action.

#### RECOMMENDATION:

That Petitioner's naval record is corrected to show that, for the period ending 13 June 1997, he was issued a "General (Under Honorable Conditions)" characterization of service, a Narrative Reason for Separation of "Secretarial Authority," SPD code of "JFF1," separation authority of

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“MARCORSEPMAN 6214,” and reentry code of “RE-1J.”

That no further changes be made to the record.

That 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

