



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

██████████
Docket No. 8843-24

Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF 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

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 that his discharge characterization be upgraded to Honorable on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosure (2) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 25 November 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, 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 review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 26 February 2000. On 5 January 1980, Petitioner began a period of unauthorized absence (UA) which lasted seven-days and resulted in nonjudicial punishment (NJP) on 29 January 1980. On 23 December 1980, Petitioner received a second NJP for a period of UA from appointed place of duty. On

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

2 April 1981, Petitioner was counseled concerning his lack of responsibility and poor attention to detail in leaving his assigned weapon unattended. On 17 November 1981, Petitioner received a third NJP for failing to get a haircut, failure to obey a lawful order, and a period of UA from appointed place of duty. On 17 December 1981, Petitioner began a period of UA which lasted one day. On 4 March 1982, Petitioner was discharged with an Other Than Honorable (OTH) characterization of service by reason of completion of active duty service. His final conduct trait average was 3.9.

d. Petitioner contends veteran paid back days he was absent and would like the Marine Corps to reconsider his discharge status.

CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's request warrants partial relief. Specifically, the Board noted that Petitioner was erroneously separated with an OTH characterization at the completion of his active duty service. The Board noted that service regulations prohibit the issuance of an OTH discharge under Petitioner's circumstances¹. Therefore, the Board determined Petitioner should have been discharged based on the type warranted by his service record. In Petitioner's case, his conduct marks qualified him for a General (Under Honorable Conditions) (GEN) characterization of service.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warranted additional relief in Petitioner's case in accordance with the Wilkie Memo. These included, but were not limited to, his desire for an Honorable discharge. After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJPs, outweighed these mitigating factors. As a result, the Board concluded significant negative aspects of Petitioner's service outweighed the positive aspects and warrants a GEN characterization. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity.

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

RECOMMENDATION:

That Petitioner be issued a new DD Form 214, for the period ending 4 March 1982, indicating 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.

¹ The Board noted that Petitioner was not discharge for misconduct; which is a requirement to be awarded an OTH characterization of service.

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

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.

12/30/2024

