



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

██████████  
Docket No. 9637-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████  
██████████ USMC

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), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting an upgrade of his characterization of service to Honorable. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 11 December 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 and commenced a period of active duty on 29 March 1988. On 14 February 1990, he received non-judicial punishment (NJP) for making a false official statement. On 27 March 1990, a summary court martial (SCM) convicted him of larceny of blank checks and falsely marking the signature of another Marine. On 21 August 1990, he was formerly counseled on writing worthless checks and frequent involvement with

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military authorities. On 19 September 1990, he received NJP for making unauthorized long distance phone calls. On 29 October 1991 and 10 December 1991, he was formerly counseled on having an eccentric haircut and having a poor performance record. On 28 January 1992, he received an alcohol dependency evaluation that diagnosed him as alcohol dependent. On 5 March 1992, Petitioner received NJP for a seven-day period of unauthorized absence. Consequently, he was notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. He elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). The ADB found that he committed misconduct and recommended he receive an Other Than Honorable (OTH) characterization of service. The separation authority concurred with the ADB and Petitioner was so discharged on 23 April 1992.

d. Petitioner contends that his discharge should be upgraded due the amount of time that has passed, the fact he has maintained a clean criminal record and become a pillar in the community, and that he experienced some mental and medical issues resulting from his service. Additionally, Petitioner checked the "PTSD" and "Other Mental Health" boxes on his application but chose not to respond to the Board's request for supporting evidence of his claims. For the purpose of clemency and equity consideration, Petitioner did not provide documentation describing post-service accomplishments or advocacy letters.

#### 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 and equity, 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 misconduct and determined it to be relatively minor in nature. Further, the Board observed Petitioner's proficiency and conduct traits during his enlistment period were 3.9/4.0, respectively. As a result, the Board concluded, it was appropriate to change Petitioner's characterization of service to 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.

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RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 23 April 1992, indicating he was issued a "General (Under Honorable Conditions)" characterization of service, for the Narrative Reason for Separation of "Secretarial Authority," with a SPD code of "JFF1," separation authority of "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.

1/9/2025

