



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

■  
Docket No. 10650-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ■■■■■  
XXX XX ■■■■■ USMC

Ref: (a) 10 U.S.C. §1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments  
(2) Naval record (excerpts)

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 his record be corrected to upgrade his discharge characterization. Enclosures (1) and (2) apply.

2. The Board, consisting of ■■■■■, ■■■■■ and ■■■■■, reviewed Petitioner's allegations of error and injustice on 26 February 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 24 August 1973.

c. On 2 May 1974, he received non-judicial punishment (NJP) for unauthorized absence (UA), disobeying a lawful order, and being drunk on duty. On 8 May 1974, he was assigned to a Phase II alcohol rehabilitation program. On 17 May 1974, he received his second NJP for UA. On 1 June 1974, he received his third NJP for UA. On 13 July 1974, he received an administrative remarks (Page 13) counseling warning that any other involvement involving alcohol related incidents with military authorities could result in separation. On

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16 August 1974, he received his fourth NJP for sleeping on post. On 28 September 1974, he received his fifth NJP for breaking restriction, failing to sign restriction papers, failure to obey a lawful order, and drunk and disorderly conduct. On 5 November 1974, Petitioner was diagnosed as being psychologically dependent on alcohol due to habitual excessive drinking. On 19 November 1974, he received his sixth NJP for being drunk on duty and UA. On 6 December 1974, he was not recommended for reenlistment. On 17 January 1975, he commenced a period of UA that ended on 18 January 1975. On 28 January 1975, he received his seventh NJP for UA. On 6 February 1975, he received his eighth NJP for failure to obey a lawful order and breaking restriction. On 31 March 1975, he began a period of UA and did not return until 10 April 1975. On 2 June 1975, he began another period of UA and did not return until 7 June 1975. On 13 June 1975, he began another period of UA until he was apprehended on 2 August 1975. On 2 September 1975, he requested to be separated in lieu of trial by court-martial. On 12 September 1975, the separation authority approved Petitioner's request with an Other Than Honorable (OTH) discharge. On 18 September 1975, he began a period of UA until he surrendered on 20 September 1975. On 22 September 1975, he received his ninth NJP for UA. That same day, Petitioner was discharged with an OTH characterization of service.

d. On 8 February 1978, the Naval Discharge Review Board (NDRB) upgraded Petitioner's characterization of service to General (Under Honorable Conditions) (GEN) and changed his narrative reason for separation to reflect he was discharge for unsuitability due to alcohol abuse.

e. Petitioner contends that he was suffering from mental health conditions due to being in the military for more than two years. Additionally, he checked the "Other Mental Health" box on his application but chose not to provide any supporting evidence of his claim. For purposes of clemency consideration, the Board considered the evidence provided by Petitioner in support of his application.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief. In keeping with the letter and spirit of the Wilkie Memo, the Board determined that it would be an injustice to label one's discharge as being for a medical condition. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate a change. Accordingly, the Board concluded that Petitioner's discharge should not be labeled as being for an alcohol related condition and that certain remedial administrative changes are warranted to the DD Form 214.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned characterization of service remains appropriate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. These included, but were not limited to, his desire for a discharge upgrade and previously discussed contention.

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. In making this finding, the Board considered

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the seriousness of Petitioner's misconduct and found that his conduct showed a complete disregard for military authority and regulations. The Board observed Petitioner was given multiple opportunities to correct his conduct deficiencies but chose to continue to commit misconduct; which led to his OTH discharge. His conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of his command. Therefore, the Board concluded Petitioner already received a large measure of clemency when the NDRB upgraded his characterization of service to GEN.

As a result, while the Board carefully considered the evidence Petitioner submitted in mitigation, 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. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct. Finally, the Board also determined that Petitioner's assigned reentry code remains appropriate in light of his extensive record of misconduct and unsuitability for further military service. In the end, the Board concluded 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 22 September 1975, his narrative reason for separation was "Secretarial Authority," SPD code assigned was "JFF1," and separation authority was "MARCORPSEPMAN 6214."

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.

3/31/2025

