



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

██████████
Docket No. 1043-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
██████████ 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), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting a change to his naval record, specifically, to upgrade his characterization of service. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 16 April 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.

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 entered active duty with the Marine Corps on 17 July 1985. On 18 March 1987, he was formerly counseled on his base driving privileges being revoked for 42 months. On 31 March 1987, he received non-judicial punishment (NJP) for operating a motor vehicle on base while driving privileges were revoked. On 5 May 1987, he received NJP for being in an

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unauthorized absence (UA) status for 5 hours and 30 minutes. On 21 October 1987, he was formerly counseled on his civil traffic citations which resulted in confinement. On 24 March 1988, a special court-martial (SPCM) convicted him of eight specifications of wrongfully obtaining long distance phone calls totaling \$14.34 and driving while privileges were revoked. As a result, he was sentenced to confinement for three months, forfeiture of pay, reduction to E-1 and a Bad Conduct Discharge. After completion of all levels of review, he was so discharged on 28 September 1989.

d. Petitioner contends that he was awarded the Good Conduct Medal¹ (GCM), his discharge was influenced by diversity and potential targeting, his court-martial involved minor infractions that were exacerbated by diversity and targeting, and he has been dedicated to personal growth and community service since discharge. For the purpose of clemency and equity consideration, the Board considered the evidence Petitioner provided in support of his application.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request merits relief. Specifically, in light of reference (b), after reviewing the record holistically, given the totality of the circumstances, and purely as a matter of injustice, 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. In addition, contrary to Petitioner's contentions, the Board found no error with Petitioner's SPCM conviction. However, the Board considered Petitioner's misconduct and determined it to be relatively minor in nature. As a result, the Board concluded it was in the interest of justice to change Petitioner's characterization of service to GEN. Further, based on the same rationale, 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 even under the liberal consideration standards for mental health conditions, 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 injustice warranting the following corrective action.

RECOMMENDATION:

¹ A review of Petitioner's record revealed he did not receive the GCM. The DD Form 214 annotation referred to by Petition simply references his start date for the GCM.

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[REDACTED] USMC

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 28 September 1989, he was discharged with a "General (Under Honorable Conditions)" characterization of service, a Narrative Reason for Separation of "Secretarial Authority," a SPD code of "JFF1," a separation authority of "MARCORSEPMAN 6214," and a 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.

4/29/2025

