



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 2868-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
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/ enclosures

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 be upgraded to "Honorable." Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 26 September 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 after receiving a drug use waiver and began a period of active duty on 9 January 1981.

c. After passing out due to excessive drinking, Petitioner received emergency medical care on 30 December 1982.

d. On 13 June 1983, Petitioner was not recommended for promotion due to a lack of maturity.

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e. Following an incident on 3 April 1983, during which Petitioner was “jumped out in town,” he received sutures on his lip. The sutures were removed at a follow-up medical appointment during which he showed signs of edema and had complaints of headaches.

f. On 11 January 1984, Petitioner received his first nonjudicial punishment (NJP) for violation of Article 86 of the Uniform Code of Military Justice (UCMJ) due to a six-day period of unauthorized absence (UA) from his unit.

g. On 8 February 1984, Petitioner received an alcohol abuse evaluation and expressed a desire for rehabilitation treatment. He was recommended to begin level II treatment and to receive Antabuse medication therapy.

h. Petitioner was not recommended for promotion in February 1984 due to lack of self-discipline. He was further not recommended for promotion in March 1984 due to “frequent office hours,” with an annotation that he was pending administrative separation.

i. On 9 April 1984, Petitioner received a second NJP for another violation of Article 86 of the UCMJ due to a 16.5 hour period of UA. He was subsequently issued administrative counseling regarding his repeated UA offenses and warning him that continued misconduct could result in administrative separation.

j. In the five months that followed his counseling warnings, Petitioner received two additional NJPs. Both NJPs were due to continued periods of UA of increasing duration; two days and 14 days. Additionally, Petitioner was again not recommended for promotion during this period due to lack of attention to duty.

k. Following his fourth NJP in October 1984, Petitioner was notified of processing for administrative separation by reason of misconduct due to a pattern of misconduct and waived his right to a hearing before an administrative separation board.¹ These documents were not retained in Petitioner’s service records and were not included as enclosures to the recommendation for his administrative separation. Rather, the second endorsement to the notification states in paragraph three: “The respondent was advised by the basic correspondence² of the proposed discharge action in accordance with paragraph 6304 of the reference. The respondent has acknowledged receipt of his rights and has indicated his election as to those rights in the first endorsement.”

l. On 15 November 1984, Petitioner was issued administrative counseling advising him that he was being assigned a reentry code of “RE-4” due to separation for a pattern of misconduct.

¹ Because the recommendation identifies only that an election of rights was made, without specifying the nature of that election, this waiver is presumed based on the separation code recorded in Petitioner’s discharge record.

² The endorsed correspondence was dated 6 November 1984, the same date as the second endorsement to that correspondence.

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m. The proposed administrative separation received legal review by the Assistance Staff Judge Advocate, [REDACTED], on 21 November 1984, and was found to be sufficient in law and fact.

n. Petitioner's discharge under Other Than Honorable (OTH) conditions was approved and he was so discharged on 5 December 1984. His final conduct mark average was 3.9.

o. Petitioner contends that he was coerced to transfer to a new unit in December 1983; where he encountered leadership that was unfit, disorganized, and dehumanizing. His experienced exacerbated his struggle with alcohol and he feels that he did not receive adequate rehabilitation treatment to address the severity of his alcohol use disorder. He also alleges that he was not given an opportunity to make a statement or to contest his discharge. He believes his discharge does not reflect who he is in terms of his overall active duty service period, the commendations he earned, or his growth and rehabilitation in the years since his discharge. He also desires to seek better employment opportunities. In support of his request, in addition to his legal counsel's brief, he provided a detailed personal statement about experiences in service, four character letters, and a recent employee award as being the supervisor of the quarter for his housekeeping shift.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. The Board reviewed the application under the guidance provided in reference (b) intended to be covered by this policy.

In this regard, the Board noted Petitioner's misconduct and does not condone it; however, the Board favorably considered his evidence of post-discharge rehabilitation and character. Specifically, the Board noted that Petitioner's alcohol use problem was identified early during his service and clearly factored into his initial non-recommendations for promotion. Although Petitioner desired treatment, it was limited to outpatient therapy with Antabuse and he received no apparent follow-up treatment despite his continued non-recommendations for promotion. The Board found it anomalous that his administrative counseling in March 1984 referenced a pending administrative separation due to "frequent office hours" whereas his official military personnel file (OMPF) contained no previous counseling warnings with respect to misconduct or the potential for separation, and reflected only one NJP up to that point in time. Then, although Petitioner subsequently received two NJPs, no further action was taken on the previously referenced administrative separation. Rather, he was merely issued another non-recommendation for promotion in September 1984. He was only notified of processing for separation due to pattern of misconduct after his more prolonged UA, for which he received his final NJP in October 1984.

Although Petitioner now claims that he was denied due process rights associated with his administrative separation processing, and the documents which might have otherwise refuted or confirmed such election were not retained in his record, the Board applied a presumption of regularity. In particular, the Board noted the recommendation for Petitioner's separation

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received formal legal review from a qualified judge advocate who determined that it was sufficient in law and fact. Further, the Board observed that Petitioner's separation code indicates that, although he was entitled to a hearing, he elected to voluntarily waive that administrative due process right. As such, the Board determined that Petitioner's administrative separation was not procedurally defective or unjust at the time it was processed.

However, the Board found the totality and severity of the misconduct which resulted in Petitioner's discharge under OTH conditions was disproportionate to the severity of his UA offenses. In fact, the Board noted that Petitioner's conduct mark average during his enlistment would have resulted in a discharge characterization of General (Under Honorable Conditions) (GEN) had he merely served the remaining few weeks of his obligated service. When considered in conjunction with Petitioner's evidence of post-service character and accomplishments, the Board concluded that the favorable matters in support of an upgraded characterization on the basis of clemency outweighed the relatively minor misconduct which resulted in Petitioner's discharge under OTH conditions. Accordingly, the Board determined that it is in the interest of justice to upgrade Petitioner's characterization of service to GEN and change his reason for separation, separation authority, and separation code to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. 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 General (Under Honorable Conditions) discharge characterization and no higher was appropriate. Additionally, the Board determined Petitioner's assigned reentry code remains appropriate in light of his unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating, for the period ending 5 December 1984, he was discharged with a "General (Under Honorable Conditions)" characterization of service, under the authority of "MARCORSEPMAN Par. 6214," for the narrative reason of "Secretary of the Navy Plenary Authority," and with a separation code of "JFF1."

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

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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.

11/20/2025

