



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

■  
Docket No. 6370-25

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) Title 10 U.S.C. §1552

(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/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 for an upgrade of his character of service to General (Under Honorable Conditions).

2. The Board, consisting of ■■■■■, ■■■■■, and ■■■■■, reviewed Petitioner's allegations of error and injustice on 9 December 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 1 November 1974.

c. On 1 October 1975, Petitioner received non-judicial punishment (NJP) for a period of unauthorized absence totaling one day.

d. On 25 July 1975, Petitioner was convicted by civilian authorities of armed robbery and assault with intent to commit murder (first degree). Petitioner was sentenced to confinement for not less than three years nor more than ten years.

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e. On 11 September 1978, Petitioner was notified that he was being recommended for administrative discharge from the Marine Corps by reason of misconduct due to civilian conviction. Petitioner was informed of the basis for this recommendation and that the least favorable characterization of service he may receive is under Other Than Honorable (OTH) conditions. Petitioner was advised of and waived his procedural right to consult with military counsel, and to present his case to an administrative discharge board.

f. On 31 October 1978, the commanding officer (CO) recommended to the separation authority that Petitioner be administratively discharged from the Marine Corps by reason of misconduct with an OTH characterization of service.

g. On 19 December 1978, the separation authority approved the recommendation and Petitioner was so discharged on 29 December 1978.

h. Post-discharge, Petitioner applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied Petitioner's request for an upgrade, on 11 February 1980, based on their determination that his discharge was proper as issued.

i. Petitioner contends the following injustices warranting relief:

(1) At the time of his discharge, he was a young Marine with bad habits such as consuming alcoholic beverages and doing drugs such as marijuana. His bad habits resulted in him falling into the hands of civil authorities. Years later those bad habits were removed by his Christian faith in his Lord and Savior, Jesus Christ.

(2) He pursued higher education which led to him earning his degrees. In addition, the Lord inspired him to move on to receive his Master's Degree and a Doctor of Ministry Degree. Furthermore, he was employed by the Department of Veteran Affairs where he retired after 14 years. Today, he now serves as a pastor of a local church.

j. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which included his DD Form 149 and the evidence he provided in support of his application.

## CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants relief.

The Board found no error in Petitioner's OTH characterization of service discharge for separation for misconduct due to civil conviction. However, the Board reviewed Petitioner's application under the guidance provided in reference (b).

The Board noted Petitioner's disciplinary infractions and does not condone his misconduct. However, the Board considered the totality of the circumstances to determine whether relief is warranted in the interests of justice in accordance with reference (b). After reviewing the record holistically, given the totality of the circumstances and purely as a matter of clemency, the Board

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determined the interests of justice are served by upgrading his characterization of service to General (Under Honorable Conditions) (GEN). In making this finding, the Board considered the evidence of favorable post-discharge accomplishments and good character provided by Petitioner.

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 member'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.

Finally, the Board determined Petitioner's narrative reason for separation, reentry code and SPD code should remain unchanged based on the nature of his misconduct. Ultimately, the Board concluded that 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 29 December 1978, Petitioner's character of service was "General (Under Honorable Conditions)."

That no further changes be made to Petitioner's 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.

1/6/2026

