



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

██████████
Docket No. 7389-25
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 punitive discharge be upgraded to "Honorable" and that his narrative reason for separation be changed to reflect "Secretarial Authority." Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 8 May 2026 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 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.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 18 August 1978.

d. On 19 August 1980, Petitioner was issued administrative counseling for financial indebtedness.

e. On 24 August 1980, Petitioner received nonjudicial punishment (NJP) for violating Article 92, Uniform Code of Military Justice (UCMJ), due to violating a lawful general

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regulation in that he wrongfully possessed government property, to include a flashlight, flight gloves, and survival knife.

f. On 19 May 1981, Petitioner was issued additional administrative counseling advising him to correct his personal deficiencies in the areas of noncommissioned officer personal traits, being out of uniform, and attention to detail.

g. On 23 April 1982, Petitioner received a second NJP for violation of Article 92, UCMJ, due to violation of a lawful general regulation by wrongfully using marijuana.

h. On 20 July 1982, Petitioner was issued administrative counseling advising him that continuing his adverse attitudes or actions could result in termination of his security clearance.

i. On 11 August 1982, Petitioner was convicted by Summary Court-Martial (SCM) for multiple violations of the UCMJ, to include three specifications of Article 86 for periods of unauthorized absence (UA) at 0800 on 16 March 1992, at 0830 on 16 March 1982, and from 0801, 12 July 1982 through 0730, 13 July 1982, Article 92, for violating a lawful general order by consuming alcoholic beverages while in a duty status, and Article 134, for wrongfully and unlawfully made a false statement under lawful oath. He was sentenced to reduction to the paygrade of E-1 and 30 days confinement at hard labor. As a result, Petitioner's obligated service was adjusted for 23 days lost time while he was confined from 11 August 1982 through 2 September 1982.

j. On 12 August 1982, Petitioner's urinalysis was reported as positive for cocaine and marijuana metabolites. A unit punishment book (UPB) entry, dated 23 August 1982, documented that a charge for violation of Article 92, UCMJ, had been referred to Special Court-Martial (SPCM) due to Petitioner's alleged violation of a lawful general regulation by illegally using marijuana and cocaine, as evidenced by his positive urinalysis.

k. With charges pending trial by SPCM, Petitioner was notified, on 8 September 1982, that he was recommended for administrative discharge by reason of misconduct due to his frequent involvement with military authorities. He elected to waive his right to a hearing before an administrative separation board and the recommendation for his discharge under Other Than Honorable conditions (OTH) was forwarded for immediate action.

l. On 9 September 1982, Commanding General, [REDACTED] approved petitioner's discharge under OTH conditions for frequent involvement of a discreditable nature with military authorities.

m. At the time of his discharge on 10 September 1982, Petitioner had accrued 4 years, 0 months, 0 days net active service.¹ At the time his Certificate of Release or Discharge from Active Duty (DD Form 214) was issued, Petitioner's narrative reason for separation was

¹ Because Petitioner was pending SPCM charges until the date of his discharge, the Board applied a presumption of regularity that he was in a legal hold status until jurisdiction for such charges was terminated by his discharge.

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erroneously identified as misconduct due to drug abuse with a separation code of “GKK1” reflecting that he had received a hearing before an administrative separation board. If Petitioner had been discharged for completion of his contract, he would not have received an honorable characterization of service due to his conduct mark average falling below the 4.0 value established by regulation for a fully honorable discharge.

n. Petitioner previously applied to the Board requesting that his discharge be upgraded. The Board considered his request, on 13 November 2020, and granted partial relief to correct his narrative reason for separation to reflect frequent involvement.

o. Petitioner contends that his discharge should be upgraded for reasons of material error and material injustice. He apologizes that his actions fell below the high standard expected of a Marine; however, he believes that rehabilitation and treatment for substance abuse may have produced a better outcome than punishment and confinement. He argues that the punitive intent of his OTH has served its legitimate purpose in correcting his behavior and that he has continued to strive for success in the years since his discharge despite living with the shame and embarrassment that accompany an OTH. He has worked exceptionally hard to overcome the stigma of his OTH and the stain on his life, making a career for himself as a carpenter and handyman, cable installer, and repair technician for the past 20 years. He has also obtained numerous educational and technical skills certificates which he provided in support of his request in addition to this résumé.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner’s request warrants partial relief.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. The Board noted Petitioner admitted to committing the misconduct that formed the basis of his administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner’s OTH and no error, other than previously corrected by this Board, exists with his record.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, Petitioner’s desire for an upgrade to his characterization of service, Petitioner’s contentions, the totality of Petitioner’s service to include service highlights, the non-violent nature of Petitioner’s misconduct, Petitioner’s relative youth and immaturity at the time of his misconduct, the negative effect Petitioner’s discharge has had on his life, Petitioner’s rehabilitation efforts, Petitioner’s post-service record of accomplishments, Petitioner’s candor and remorse, the evidence Petitioner provided in support of his application, Petitioner’s advanced age, and the passage of time since Petitioner’s discharge.

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The Board found that the mitigating factors were sufficient to justify some equitable relief. In this regard, the Board noted Petitioner's misconduct and does not condone it; however, the Board concurred that Petitioner appears to have turned his life around with respect to his training and professional accomplishments. Considering Petitioner's evidence of rehabilitation in conjunction with his four years of total active service during which he maintained a 4.4 proficiency average in spite of his lower overall conduct average, the Board found that the totality of favorable matters in support of clemency outweighed the misconduct of the two NJPs, SCM, and pending SPCM charge which resulted in Petitioner's administrative discharge. Accordingly, the Board determined that it is in the interest of justice to upgrade Petitioner's characterization of service to General (Under Honorable Conditions) and to change his basis for separation to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board determined no further equitable relief was warranted. First, the Board determined Petitioner's assigned reentry code remains appropriate in light of his record of misconduct and unsuitability for further military service. Second, the Board determined Petitioner's record of misconduct does not support an Honorable characterization of service. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of Petitioner's misconduct led them to conclude that his service was not Honorable. The Board observed Petitioner was given multiple opportunities to correct his conduct deficiencies but chose to continue to commit misconduct. Finally, the Board determined any injustice in Petitioner's record is adequately addressed by the significant clemency recommended by this Board.

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 that, for the period ending on 10 September 1982, he was discharged with a "General (Under Honorable Conditions)" characterization of service, authority of "MARCORSEPMAN par 6012.1g," narrative reason of "Directed by the Secretary of the Navy to correct official records," and a separation code of "JFF2." That all other information currently listed on Petitioner's DD Form 214 remains the same.

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

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

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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.

6/1/2026

