



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 1923-00  
28 August 2000

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

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552

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 United States Marine Corps, filed enclosure (1) with this Board requesting, in effect, that the characterization of his discharge be changed.
2. The Board, consisting of Ms. Hare, Ms. Madison, and Mr. Pfeiffer, reviewed Petitioner's allegations of error and injustice on 22 August 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.
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 it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.
  - c. Petitioner enlisted in the Marine Corps on 1 July 1981 at age of 19 and served for nearly two years without incident. However, during the period from 2 June 1983 to 18 January 1984 he received nonjudicial punishment (NJP) on three occasions for three periods of absence from his appointed place of duty and two periods of unauthorized absence (UA) totalling seven days.

d. Petitioner was subsequently processed for an other than honorable discharge by reason of misconduct, although the discharge processing documentation is not in the record. On 24 February 1984 Petitioner was discharged and issued a Certificate of Release or Discharge from Active Duty (DD Form 214) with a "general under other than honorable" characterization of service.

e. On 11 December 1984 a correction to Petitioner's DD Form 214, DD Form 215, was issued correcting his character of service to other than honorable.

f. It appears that Petitioner did not receive the DD Form 215 because in his application for correction of his record, he requests that the Board upgrade his general discharge to fully honorable.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

The Board's finding is based on Petitioner's youth and immaturity, and the nature of his misconduct. In this regard, the Board does not condone Petitioner's misconduct, but notes his infractions consisted primarily of very minor periods of UA.

The Board additionally notes Petitioner's youth and immaturity, and that he served for two years with no misconduct. Based on the foregoing, and considering the fact Petitioner has suffered the consequences of an other than honorable discharge for nearly 15 years, the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been under other than honorable conditions, and recharacterization to a general discharge is appropriate.

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

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued a general discharge under honorable conditions on 24 February 1984 vice the other than honorable discharge actually issued on that date.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

c. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 13 March 2000.

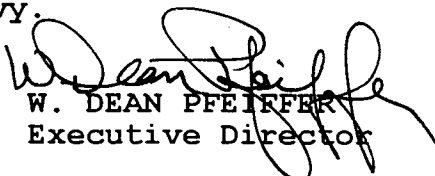
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

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.



W. DEAN PFEIFFER  
Executive Director