



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7702-98

7 April 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 w/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 that his general discharge be upgraded to an honorable discharge.

2. The Board, consisting of Mr. Pfeiffer, Mr. Milner and Ms. Madison, reviewed Petitioner's allegations of error and injustice on 23 March 1999 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 23 June 1987 at age 18. During his enlistment he received nonjudicial punishment on two occasions and was convicted by a special court-martial. His offenses were a failure to go to his appointed place of duty, three instances of disobedience and disrespect. He was released from active duty on 28 June 1991 with his service characterized as being under honorable conditions. He was subsequently issued a general discharge at the end of his military obligation.

d. Character of service when an individual is separated at the expiration of enlistment is based on conduct and proficiency averages which are computed from marks assigned during periodic

evaluations. Petitioner's conduct mark average has been computed as 3.97. A minimum average mark of 4.0 in conduct is required for a fully honorable characterization of service. The Board notes that Marine Corps regulations allow for the conduct mark to be rounded up to 4.0 in cases such as this.

e. With his application, Petitioner has submitted a letter of reference from his company commander which states that he performed his duties in an excellent manner from 1 March 1990 until 1 June 1991.

**CONCLUSION:**

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes Petitioner's periods of good service and that the available marks in conduct averaged 3.97. Since Marine Corps regulations allow the mark to be rounded up to 4.0, the Board concludes that the characterization of his service should be changed. Therefore, Petitioner's record should be corrected to show that he was released from active duty on 28 June 1991 with his service characterized as honorable, and that he was issued an honorable discharge at the expiration of his military obligation.

**RECOMMENDATION:**

a. That Petitioner's naval record be corrected to show that that his service was characterized as honorable when he was released from active duty on 28 June 1991 and that he was subsequently issued an honorable discharge at the end of his military obligation, vice the characterization of service now of record.

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

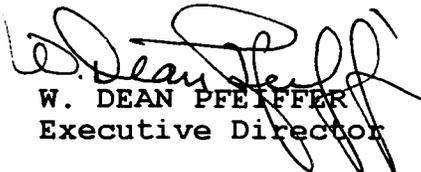
c. That the Department of Veterans Affairs be informed on request that Petitioner's application was received on 28 October 1998.

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 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.



W. DEAN PFEFFER  
Executive Director