



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3839-99

29 September 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 Reserve filed enclosure (1) with this Board requesting a better characterization of service than the discharge under other than honorable conditions issued on 8 July 1985.

2. The Board, consisting of Mr. Whitener, Ms. McCormick and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 14 September 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps Reserve on 20 January 1982. He subsequently completed initial training and reported to his reserve unit. On 10 April 1983 he received nonjudicial punishment for missing a drill. The record shows that he then attended 33 and 22 drills of a required 48 drills in the next two anniversary years. He also performed a two week period of annual training in both years. Based on his poor drill attendance, he was processed for an administrative discharge. The letter informing him of the discharge processing was sent by registered mail and received by Petitioner, but he never responded. On 21 June 1985 the discharge authority directed discharge under other than honorable conditions. He was so discharged on 8 July 1985.

d. Petitioner states that he was not receiving his drill pay because of an overpayment while on his initial period of active duty, and he lost his motivation to continue drilling. He regrets his actions and desires recharacterization of his discharge because it could impact on his future employment as a police officer. He has submitted excellent character reference showing that he has been a deputy sheriff for over 12 years.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner was aware of the drilling requirement and was on notice that if he did not increase his drill attendance he would receive a discharge under other than honorable conditions. However, the Board also notes that he completed his initial training, attended more than half of his scheduled drills and also performed his annual training periods. In addition, he has been a good citizen for many years and acknowledged that he was immature and made bad decisions while in the Marine Corps Reserve. Given the circumstances, the Board concludes that no useful purpose is now served by the discharge under other than honorable conditions, and the discharge should now be recharacterized to general as a matter of clemency.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 8 July 1985 he received a general discharge by reason of unsatisfactory participation vice the discharge under other than honorable conditions actually issued on that date.

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

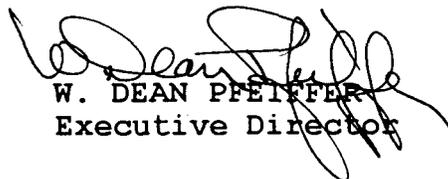
c. That the Department of Veterans Affairs be informed on request that Petitioner's application was received on 14 June 1999.

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 PFEIFFER
Executive Director