



**DRB DIGEST/EXECUTIVE SUMMARY  
DRB DOCKET 2013-055**

<b>NAME</b>	E5
<b>CURRENT DD-214</b>	Honorable, COMDTINST M1000.4, HNC, Unacceptable Conduct, RE4
<b>RELIEF REQUESTED</b>	SPD code to KND, Separation for Miscellaneous/General Reasons
<b>RELIEF GRANTED BY DRB</b>	SPD code to JND, Separation for Miscellaneous/General Reasons, RE-3
<b>ADMIN CORRECTIONS</b>	Amend Separation Authority to: COMDTINST M1000.4, Art 1.B.15

<b>TIS</b>	8 yrs, 10 months, 23 days
<b>Policy Implications</b>	None

**EXECUTIVE SUMMARY:**

The applicant was discharged for Unacceptable Conduct in 2013. The applicant's complete Personnel Data Record and Separation Package were available for the Board to review.

The applicant served for over 8 years in the service at 4 separate units. The applicant's subpar performance was documented in early 2013 which listed events over the previous 11 months to include insubordination, sloppy and un-kept uniforms, and inspiring non-work related activities to disrupt the workplace. The behavior and lack of enthusiasm did not improve after being placed on performance probation and receiving 2 non-recommendations for advancement. In the Spring of 2013, the command made the notification to Discharge for Unsuitability due to Inaptitude. Thereafter, the Discharge was final in the summer of 2013.

The Board noticed a number of inconsistencies between the command endorsements for separation, the EPM separation approval, and the DD-214 issued. The following provides an outline of the approval process and the notable findings:

Applicant's command: Made separation notification after just 3 months on performance probation. The command endorsed a Discharge for Unsuitability due to Inaptitude which aligns with Military Separations Manual, Article 1.B.15.

Applicant: on the Board request, the applicant mentioned a request for a Temporary Separation in the Spring of 2012 that was denied. Upon the command notification for discharge in 2013, no objection was made. Also, the applicant waived all rights to an Administrative Separation Board, an attorney, or to make a statement. The current application requests to remove the Narrative Reason (NR) as 'Unacceptable Conduct', and to amend it to a Voluntary Separation that is in alignment with SPD code KND with an NR of Separation for Miscellaneous/General Reasons.

EPM separation approval (summary): In the summer of 2013, the Discharge was approved under Article 1.B.15, but the SPD code issued was HNC with an authorized NR of Unacceptable Conduct that is more suited for Misconduct discharges (1.B.17). \*\*\*The JNC, HNC, GNC family of SPD codes was more routinely used with legacy PERSMAN 12.B.16 prior to September 2011 (PERSMAN breakup)\*\*\*

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DD 214 issued: The Servicing Personnel Office (SPO) issued:

24. Discharge	Honorable
25. Authority	COMDTINST M1000.4, Art 1.B.
26. Separation Code	HNC
27. Re-entry Code	RE4
28. Narrative Reason	Unacceptable Conduct

The Board recommendation focuses on the lack of 'performance' specified by the command. However, the applicant did not receive Non-Judicial punishment (NJP) proceedings anytime after 2007, or have documented 'Misconduct' incidents that would merit awarding a Narrative Reason of Unacceptable Conduct or anything located in 1.B.17 of Military Separation Manual. The Board recommends the following based on the relevant policy in 1.B.15 at the time of separation in 2013:

24. Discharge	Honorable
25. Authority	COMDTINST M1000.4, Art 1.B.15
26. Separation Code	JND- (Separation was Involuntary)
27. Re-entry Code	RE3
28. Narrative Reason	Separation for Miscellaneous/General Reasons

**Propriety:** Discharge was NOT proper.

**Equity:** Discharge was NOT equitable.

**Final Adjudication by Assistant Commandant For Human Resources:** Concur with Board recommendation. Aforementioned relief to the applicant is granted.