



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

REC

Docket No: 03378-11  
17 October 2011

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

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]  
[REDACTED]

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

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record  
(4) Advisory Opinion CO, OTCN ltr dtd 26May11  
(5) Advisory Opinion JAG ltr dtd 6Sep11

1. Pursuant to the provisions of reference (a), Petitioner, a former officer candidate of the United States Navy, filed enclosure (1) with this Board requesting, in effect, that his record reflect a change in the separation authority, separation code, reentry code, and narrative reason for separation in blocks 25, 26, 27, and 28 of his DD Form 214 (Certificate of Release or Discharge from Active Duty).

2. The Board, consisting of Mr. LaCroix, Mr. Midboe, and Mr. Silberman, reviewed Petitioner's allegations of error and injustice on 13 October 2011, and, pursuant to its regulations, determined that the partial 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, and enclosures (1) through (5). Enclosure (4) provided information concerning his student status while pending his re-designation, which verified that he was never commissioned. Enclosure (5) provided clarification in regards to the Petitioner's reconsideration from a previous case.

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 did not exhaust all administrative remedies available under existing law and regulations within the Department of the Navy. He can apply to the Naval Discharge Review Board (NDRB) for a change to his narrative reason for separation, discharge, and reentry code.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner was enrolled in the Naval Officer Candidate School on 10 January 2009. He served honorably until 10 June 2009, when an investigation was initiated concerning an alleged simple assault by him on a fellow female student. On 10 June 2009, he received a counseling directing him to not have females in his barracks room. However, on 23 June 2009, he was videotaped escorting a female to his room. On 25 June 2009, a Disciplinary Review Board (DRB) convened and determined by a vote of 5-0 that he should be attrited from Officer Candidate School. On 29 June 2009, the commanding officer recommended discharge. On 2 July 2009, Petitioner was discharged with an honorable discharge by reason of failure to complete a commissioning or warrant program and received an RE-3K reentry code. However, due to an administrative oversight in block 25 of his DD-214, the incorrect separation authority (MILPERSMAN 1910-102) was documented. His separation authority should be MILPERSMAN 1910-182.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action, by changing his separation authority in block 25 of his DD Form 214. All other requests should be directed to NDRB.

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

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that his separation authority be changed from "MILPERSMAN

1910-102" to "MILPERSMAN 1910-182" and a "Certificate of Release or Discharge from Active Duty" (DD Form 215) be issued.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

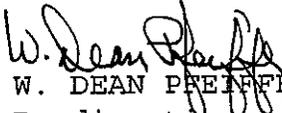
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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

  
BRIAN J. GEORGE  
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  
By direction