



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

[REDACTED]  
Docket No: 1383-16  
FEB 28 2017

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

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

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

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Petitioner's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting that his naval record be corrected by upgrading his characterization of service. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 February 2017, 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 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 reenlisted in the Navy on 31 October 1990. On 3 December 1993, he received nonjudicial punishment for being drunk on duty. On 3 February 1994, Petitioner completed a program for rehabilitation for alcohol dependence. Upon completion of the program, he was warned that if he failed to complete all aspects of his aftercare program, or if he were involved in a subsequent alcohol related incident, he would be recommended for administrative separation. On 1 March 1995, he was convicted by civilian authorities for driving under the influence of alcohol.

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d. On 3 March 1995, Petitioner was notified of administrative separation for alcohol abuse rehabilitation failure and misconduct due to commission of a serious offense. At the time of notification, Petitioner was in the pay grade E-5. Within the notification Petitioner was advised that if separation was approved he would administratively reduced to the pay grade E-3. Subsequently, the separation authority directed Petitioner's discharge with other than honorable characterization of service. On 5 May 1995, Petitioner was administratively reduced in rank to the pay grade of E-3 and discharged.

e. On 29 January 2014, the Board upgraded Petitioner's characterization of service from under other than honorable conditions to a general under honorable conditions characterization of service.

#### CONCLUSION:

The Board concluded that as a result of BCNR's previous decision to upgrade Petitioner's characterization of service to a general under honorable conditions characterization of service, Petitioner's pay grade of E-5 should have been administratively restored.

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

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 5 May 1995, he was discharged in the paygrade of E-5.

b. That a new Certificate of Release or Discharge from Active Duty (DD Form 214) be issued to the Petitioner.

c. That no further changes be made to the record.

d. That a copy of this report of proceedings be filed in Petitioner's naval record.

e. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 9 February 2016.

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.

[REDACTED]  
Recorder

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[REDACTED]

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.

[REDACTED]  
Executive Director