



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

[REDACTED]
Docket No: 8577-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED] USN,
XXX-XX [REDACTED]

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by upgrading his characterization of service to general.

2. The Board, consisting of [REDACTED] [REDACTED] [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 July 2021 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 enclosure, relevant portions of Petitioner's naval service 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 regulation within the Department of the Navy.

b. Although the enclosure was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 4 May 1993. On 5 September 1995, Petitioner received non-judicial punishment (NJP) for wrongful use of a controlled substance (THC). On 9 November 1995, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse, at which point, he waived his right to consult with counsel and review of his case by an administrative discharge board (ADB). On 5 March 1996, reprocessing procedures were directed due to an administrative error. On 27 March 1996, Petitioner received a second notification of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse, at which point, he again waived his right to consult with counsel and review of his case by an administrative discharge board (ADB). On 16 April 1996, Petitioner's commanding officer directed his discharge from naval service with an other than honorable (OTH) characterization of

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service by reason of misconduct due to drug abuse. On 9 May 1996, the discharge authority approved and directed Petitioner's discharge. On 17 May 1996, Petitioner was so discharged.

d. Petitioner contends THC is legal in many places in the United States.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting relief. The Board notes Petitioner's disciplinary infraction and does not condone his misconduct. However, the Board considered Petitioner's misconduct as an isolated incident and concluded that as a matter of clemency the record should reflect that he was discharged with a general characterization of service vice receiving an OTH characterization. Additionally, the Board determined to change Petitioner's narrative reason for separation to "Secretarial Authority," is now more appropriate.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

That Petitioner's be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating his characterization of service as "general," the narrative reason for separation as "secretarial authority," separation code as "JFF," and separation authority as "MILPERSMAN 1910-164."

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

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.

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.

7/19/2021

[REDACTED]
Executive Director

Signed by [REDACTED]