



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

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Docket No: 1533-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ■■■■■■■■■■
USN, XXX-XX-■■■■■

Ref: (a) Title 10 U.S.C. § 1552
(b) USD Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 w/enclosures

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 discharge to a honorable characterization of service.
2. A three-member panel of the Board, sitting in executive session, considered Petitioner's application on 14 April 2021. The names and votes of the panel members will be furnished upon request. Petitioner allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include reference (b).
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:
 - a. Petitioner enlisted in the Navy and began a period of active duty on 16 July 1974.
 - b. On 10 July 1975, Petitioner was evaluated, diagnosed, and recommended for administrative separation by reason of obsessive compulsive personality disorder.
 - c. On 17 July 1975, Petitioner received non-judicial punishment (NJP) for failure to complete mandatory study assignments as directed. Subsequently, Petitioner was notified that he was being recommended for administrative separation from the naval service because of the diagnosed medical condition. Petitioner was advised of, and waived his procedural right to make a statement on his behalf. Petitioner's commanding officer then forwarded Petitioner's

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administrative separation package to the separation authority (SA) recommending administrative discharge from the naval service with type warranted by service record character of service. The SA directed Petitioner's administrative discharge from the naval service by reason of unsuitability with the characterization of service warranted by service record.

d. On 25 July 1975, Petitioner was administratively discharged from the naval service with a general (under honorable conditions) characterization of service.

BOARD CONCLUSION

The Board, in its review of Petitioner's entire record and application, carefully weighed all potentially mitigating factors and determined that Petitioner's request did not warrant relief.

The Board carefully considered all factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with reference (b). These included, but were not limited to, Petitioner's desire to upgrade his discharge so he can be permitted to receive better Veterans Affairs benefits and insurance, and his contention that since his administrative discharge, he has been a model citizen without any arrests. The Board noted that character of service is based, in part, on conduct and overall trait averages, which are computed from marks assigned during periodic evaluations. Petitioner's conduct average during his service was 2.8 and an average of 3.0 in conduct was required at the time for a fully honorable characterization of service.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's NJP and failure to attain the required overall trait average for a fully honorable characterization of service, outweighed these mitigating factors.

BOARD RECOMMENDATION

In view of the above, the Board recommends that no corrective action be taken on Petitioner's naval record.

EXECUTIVE DIRECTOR'S CONCLUSION

Upon careful review and consideration of all of the evidence of record, I respectfully disagree with the Board's conclusion and believe that relief is warranted in the interests of justice.

Petitioner had only one documented instance of misconduct during his naval service before he was separated for a diagnosed personality disorder. This misconduct consisted only of a failure to complete a mandatory study assignment. Further, even though Petitioner's overall trait average fell just below the threshold that was required at the time for a fully honorable characterization of service, this average was based upon only 12 months of observation and was likely skewed by Petitioner's diagnosed personality disorder.

Given the totality of the circumstances, to include the very minor nature of Petitioner's misconduct; the potentially mitigating circumstance of Petitioner's diagnosed personality

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disorder upon Petitioner's ability to adjust to military service; Petitioner's post-service record of employment and service to his community; Petitioner's relative youth and immaturity at the time of his naval service; the unlikelihood that Petitioner would be separated with a general (under honorable conditions) under similar circumstances today; and the passage of time since Petitioner's discharge, I believe that no useful purpose is served by continuing to characterize Petitioner's service as anything but honorable. Accordingly, I believe that Petitioner's characterization of service should be upgraded to honorable in the interests of justice.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

In view of the above, I recommend that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new DD Form 214 reflecting that his service was characterized as "Honorable."

That Petitioner be issued an Honorable Discharge certificate.

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

That no further corrective action be taken.

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 titled matter.

5. The foregoing action of the Board is submitted for your review and action.

4/30/2021

[REDACTED]

Executive Director

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Assistant General Counsel (Manpower and Reserve Affairs) Decision:

Executive Director's Recommendation Approved (Grant Relief – Upgrade to Honorable)

~~Board Recommendation Approved (Deny Relief)~~

6/17/2021

[REDACTED]

Assistant General Counsel (M&RA)

Signed by [REDACTED]