



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

[REDACTED]
Docket No: 1721-21
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. 1552
(b) BUPERSINST 1900.8 dtd 28 Jun 1993

Encl: (1) DD Form 149
(2) Case summary
(3) Naval record (excerpts)

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 reflect an upgrade to the characterization of service listed on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED], [REDACTED], [REDACTED], reviewed Petitioner's allegations of error and injustice on 21 April 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 enclosures, relevant portions of his 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 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 review the application on its merits.

c. The Petitioner enlisted in the Navy and began a period of active duty on 6 August 1991. On 6 August 1993, Petitioner reenlisted for a period of four years. On 18 July 1994, Petitioner was counseled regarding his retention in the naval service despite his financial irresponsibility, and he was notified further misconduct may result in the initiation of administrative separation proceedings. On 28 February 1995, Petitioner received a waiver for minor financial problems. On 4 August 1995, Petitioner received non-judicial punishment (NJP) for larceny and wrongful

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

appropriation, and obtaining services under false pretense. On 15 April 1996, Petitioner was convicted at a special court martial (SPCM) for unauthorized absence from his appointed place of duty, two specifications of wrongful appropriation, and wrongfully obtaining long distance telephone services. On 7 August 1996, Petitioner was discharged with an other than honorable (OTH) characterization of service by reason of misconduct.

d. Petitioner was issued a Certificate of Release or Discharge from Active Service (DD Form 214) which did not include his period of honorable service.

e. Per Reference (b), Box 18 should indicate Petitioner's periods of honorable service.

f. Petitioner contends his discharge was not equitable to the infraction he committed. Petitioner contends he received BAH payments for four months following his divorce and his command did not give him the opportunity to rectify the situation.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board determined the Petitioner had repeated incidents of misconduct, therefore, Petitioner's request for upgrade to the characterization of his service is not warranted.

Notwithstanding, upon review of the record and especially in light of reference (b), the Board noted an administrative error, therefore, the Petitioner's records warrants partial relief. The Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) does not indicate the Petitioner's period of honorable service from 6 August 1991 to 6 August 1993.

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

RECOMMENDATION:

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) that indicates Petitioner's continuous honorable service from 6 August 1991 to 6 August 1993.

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

That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 16 March 2021.

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.

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

4/30/2021

[REDACTED]

Signed by:

[REDACTED]