



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

[REDACTED]
Docket No: 4739-21
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 [REDACTED]

Ref: (a) 10 U.S.C. §1552
(b) USD memo of 25 Jul 2018 "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/attachments
(2) Case summary

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 her record be corrected by upgrading her characterization of service and changing her narrative reason for separation. Alternatively, the Petitioner requested that her first enlistment term be considered honorable.

2. The Board, consisting of [REDACTED], [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 October 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. 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 the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

3. The Board, having reviewed all the facts of record pertaining to the subject former member's allegations of error and injustice, finds as follows:

a. Before applying to this Board, the Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. The Petitioner enlisted in the Navy and commenced a period of active duty on 20 November 1992. On 5 January 1995, the Petitioner completed an enlistment, had a 3.8 final performance average, and was recommended for reenlistment. On 6 February 1995, the Petitioner commenced a period of unauthorized absence, which was terminated by her surrender to naval authorities on 2 March 1995. On 23 March 1995, the Petitioner was convicted by a

[REDACTED]

summary court martial for her unauthorized absence. On 24 March 1995, the Petitioner commenced another period of unauthorized absence, which was terminated by her surrender to naval authorities on 22 May 1995. The Petitioner also had another period of unauthorized absence from 5 to 7 June 1995. On 16 June 1995, the Petitioner received nonjudicial punishment for these periods of unauthorized absence as well as for disobeying an order of a first-class petty officer. On 14 July 1995, the Petitioner was notified of the initiation of administrative separation processing and her rights in connection therewith, due to commission of a serious offense and for convenience of the government based on parenthood. The Petitioner waived her right to an administrative board. On 7 September 1995, her commanding officer recommended to the discharge authority that the Petitioner be discharged with an other than honorable characterization of service.

The Petitioner commenced another period of unauthorized absence on 14 July 1995. In the meantime, on 3 October 1995, the discharge authority directed that she be discharged in absentia with an other than honorable characterization of service. On 20 October 1995, the Petitioner was so discharged. The Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) did not reflect that the Petitioner served an honorable initial enlistment term.

c. The Petitioner contends that she enlisted in the Navy for a 2 year term which was fulfilled without flaw, that after she was accepted into school for Mess Specialist she reenlisted and became one of the top performers. She further states she also became Petty Officer within that short time frame and was highly motivated to move up in ranks, but that while she was in California she found out she was pregnant and her downward trend started, she became depressed, and was uncertain about her future.

CONCLUSION

Upon review and consideration of all the evidence of record, and in view of reference (b), the Board determined that the Petitioner is entitled to partial relief in the form of issuing her a new DD Form 214 to reflect that she served a period of continuous honorable service for her initial enlistment term. The Board did not find a basis for upgrading the Petitioner's discharge characterization for her second enlistment term, which was marred by her persistent misconduct. The Board carefully reviewed Petitioner's records of misconduct, as well as the administrative discharge paperwork, and, after its review, it was satisfied that there was no error or injustice in the assignment of the Petitioner an other than honorable characterization of service for her second term of service, during which she was convicted by a summary court-martial, received nonjudicial punishment, and left naval control on an unauthorized absence such that she was discharged in her absence. Further, the Petitioner did not provide any evidence that the Navy failed to provide her any guidance or assistance with respect to her pregnancy that she states caused her downward trend, nor is there any evidence of such in the record. To the contrary, her records reveal that she did not avail herself of the opportunity to be provided any assistance or guidance and chose instead to commence her several periods of unauthorized absence.

Based on a careful review of all of the facts presented, the Board concludes that Petitioner is entitled to relief as follows.

[REDACTED]

RECOMMENDATION

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

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), reflecting in Block 18 "Remarks" that the Petitioner had "Continuous Honorable Service from 20 November 1992 to 5 January 1995"

That no further changes be made to Petitioner's record.

A copy of this report of proceedings shall 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 Regulations 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

10/22/2021

[REDACTED]

Executive Director

[REDACTED]