

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

d. On 11 March 1996, Petitioner received non-judicial punishment (NJP) for wrongfully tampering with an armed forces identification card. Additionally, on 11 March 1996, Petitioner received his second NJP for disrespect towards a superior commissioned officer. As part of the commanding officer's (CO) comments and recommendation, he commented that during Petitioner's initial NJP proceedings Petitioner was disrespectful in language towards several commissioned officers, to include himself, made profane comments and threats towards the ship and its crew, and the United States Navy, thus, prompting his second NJP to occur on the same day.

e. 11 March 1996, Petitioner was notified that he was being recommended for administrative discharge from the Navy. Petitioner was advised of, and waived his procedural rights, to consult with and be represented by military counsel, and to present his case to an administrative discharge board (ADB).

f. Petitioner's CO then forwarded the administrative separation package to the separation authority (SA) recommending that Petitioner be administratively discharged from the Navy with an other than honorable (OTH) characterization of service. The SA approved the recommendation and directed Petitioner's administrative discharge from the Navy with an OTH characterization of service by reason of misconduct. On 5 April 1996, Petitioner was so discharged.

g. Petitioner contends that: 1) he was found guilty of a crime without any proof, witnesses, or evidence that he tampered with his military identification card; 2) his CO and Executive Officer (XO) drummed up fraudulent charges; and 3) he was a victim of command reprisal of an earlier investigation of missing Top Secret data.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that given the totality of his circumstances, Petitioner's request merits partial relief.

In regard to Petitioner's request for an upgrade of his character of service, the Board carefully considered all potentially mitigating 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 character of service and his contentions as previously discussed. The Board noted Petitioner did not submit any supporting documentation or advocacy letters in support of his application to be considered for clemency consideration. Furthermore, the Board noted Petitioner did not provide any evidence for the Board's consideration to support his contentions. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by two NJPs, outweighed these mitigating factors. Accordingly, given the totality of the circumstances, the Board determined that Petitioner's request does not merit relief.

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After further review of Petitioner's official military personnel file, the Board noted Petitioner has a period of honorable service from "12 March 1987 to 28 June 1995," and his Certificate of Release or Discharge from Active Duty (DD Form 214) should reflect this period of continuous honorable service.

Applicable regulations authorizes the language "Continuous Honorable Active Service" in Block 18 (Remarks) of the DD Form 214, when a service member has previously reenlisted without being issued a DD Form 214, and was separated with a discharge characterization except "Honorable," as is the case at present. In this regard, the Board determined Petitioner's naval record shall be corrected to reflect his continuous honorable active service.

RECOMMENDATION:

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

That Petitioner's naval record be corrected to reflect his period of service from "12 March 1987 to 29 June 1995" as honorable. Petitioner shall be issued a DD Form 215 with correction to the Remarks Section, annotating "Continuous Honorable Active Service: 12 March 1987 to 29 June 1995."

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

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 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

10/18/2021

