



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

[REDACTED]  
Docket No: 5059-21

Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552  
(b) USECDEF 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 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with the Board for Corrections of Naval Records (Board), requesting that his naval record be corrected to upgrade his characterization of service and to be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 29 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 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 interests of justice to review the application on its merits.

c. The Petitioner enlisted in the U.S. Navy Reserve (USNR) and began a period of service on 29 July 1997. On 5 February 2002 Petitioner's USNR pay status terminated when he transferred to the standby reserve (aka, the "IRR"). Upon the completion of his eight-year USNR contractual obligation, on 28 July 2005 Petitioner was discharged from the USNR.

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d. Upon his USNR discharge, the Navy Reserve Personnel Center Millington, Tennessee issued Petitioner a "Record of Discharge from the U.S. Navy Reserve (Inactive)" (NAVPERS 1070/615). However, the NAVPERS 1070/615 was completely blank in the following sections: "Type of Discharge and Authority," and "Certificate Issued." The "Remarks" section of the NAVPERS 1070/615 contains the following: "N/A HR," and "N/A DR," which are not usual and customary notations on such document.

e. Based on his available service records, Petitioner's overall conduct trait average assigned on his periodic performance evaluations during his enlistment was 3.33. Navy regulations in place at the time of his discharge required a minimum trait average of only 3.0 in conduct (proper military behavior), to be eligible and considered for a fully honorable characterization of service.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief. Additionally, the Board reviewed his application under the guidance provided in the Wilkie Memo (reference (b)).

The Board initially denied Petitioner's request for the issuance of a DD Form 214. The Board noted that USNR personnel are not issued a DD Form 214 upon discharge and instead receive only a NAVPERS 1070/615 documenting their USNR enlistment.

The Board found a material error with the Petitioner's NAVPERS 1070/615 form. The Board determined that certain routine, usual, and customary information was missing from Petitioner's NAVPERS 1070/615, and as such, the government was not entitled to rely on the presumption of regularity that the NAVPERS 1070/615 was completed correctly.

Accordingly, the Board concluded that the Petitioner's NAVPERS 1070/615 form be corrected to indicate he was discharged at the end of his USNR obligation with an honorable discharge. The Board noted that Petitioner's conduct trait average assigned on his periodic performance evaluations exceeded the Navy's minimum requirements for an honorable characterization of service, and the Board thus concluded that a discharge upgrade to "Honorable" was appropriate at this time. The Board also noted that Petitioner's record does not reflect any adverse counseling entries or disciplinary action, and determined that Petitioner's service was otherwise so meritorious that any other characterization of service besides honorable would be clearly inappropriate.

#### RECOMMENDATION:

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

That Petitioner's character of service be changed to "Honorable."

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That Petitioner shall be issued a new NAVPERS 1070/615, Record of Discharge from the U.S. Navy Reserve (Inactive), clearly reflecting the following information: an honorable discharge characterization upon the completion of Petitioner's required active service on 28 July 2005, along with an RE-1 reentry code. Navy Personnel Command is also directed to provide all other usual and customary information on such NAVPERS 1070/615 consistent with the above corrections.

That, if applicable for USNR personnel, Petitioner be issued an Honorable Discharge certificate.

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.

11/2/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]