



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

[REDACTED]
Docket No. 5267-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1900.8 of 28 Jun 93
(c) MILPERSMAN 1910-302

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

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 to establish DD Form 214, Certificate of Release or Discharge from Active Duty for period of honorable service from 25 January 1989 through 24 January 1995.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 December 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 Petitioner's naval record, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), the DD Form 214 will not be prepared or issued in the case of personnel who are discharged for immediate enlistment or reenlistment.

b. Reference (c) specifies that characterization of service is generally based upon a member's total performance of duty and conduct during the current enlistment. However, there are circumstances where the conduct or performance of duty reflected by a single incident may for the basis of characterization. A single adverse incident such as discreditable involvement with civil/military authorities that is prejudicial to good order and discipline may be used to characterize a Sailor's overall service.

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c. On 5 December 1988, Petitioner enlisted in the Naval Reserve for a term of 8 years of which 4 years was considered an active duty obligation.

d. On 17 January 1989, Petitioner entered active duty and executing a 24-month extension.

e. On 22 March 1990, Petitioner received Non-Judicial Punishment (NJP). The Official Military Personnel File (OMPF) is not legible for full comprehension of articles of UCMJ violated or punishment awarded. No reduction of grade present in Petitioner's OMPF during this period.

f. On 16 July 1993, Petitioner advanced to FC2/E-5.

g. On 13 December 1994, Petitioner discharged for immediate reenlistment effective 14 December 1994; DD Form 214 was not issued for this period of service.

h. Petitioner awarded Navy and Marine Corps Achievement Medal (2ND Award) for the period of October 1986 to January 1997; Navy and Marine Corps Achievement Medal (3RD Award) for the period of February 1997 to May 1997; and Navy and Marine Corps Commendation Medal for the period of June 1997 to September 1997.

i. On 1 October 1998, Petitioner discharged for immediate reenlistment effective 2 October 1998; DD Form 214 was not issued for this period of service.

j. On 30 March 1999, Petitioner received NJP for violation of UCMJ, Article 112A (Wrongful use of controlled substances).

k. On 10 June 1999, Petitioner discharge with Other Than Honorable (OTH) characterization of service. DD Form 214 reflects completion of 10 years, 4 months, and 24 days of active duty service, Separation Code of "HKK," and Reentry Code of "RE-4."

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board determined Petitioner's DD Form 214 dated 10 June 1999 should be corrected to capture the period of honorable service. Therefore, under these circumstances, partial relief warranted.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner shall be issued a DD Form 215, correction to DD Form 214 dated 10 June 1999 to include the following verbiage in Block 18 (Remarks): "The period of active duty service from 17 January 1989 through 1 October 1998 is characterized as "Honorable."

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[REDACTED]

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. The issuance of DD Form 214 for period requested is not authorized per reference (b).

A copy of this Report of Proceedings will 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.

1/31/2022

[REDACTED]
Deputy Director
[REDACTED]