



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

█  
Docket No: 6382-21

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █, USN,  
XXX-XX-█

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

Encl: (1) DD Form 149 with 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 his character of service be corrected and his Certificate of Release or Discharge from Active Duty (DD Form 214) annotate his Foreign Service.

2. The Board, consisting of █, █ and █ reviewed Petitioner's allegations of error and injustice on 3 November 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 reference (b).

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. Petitioner enlisted in the Navy and began a period of active duty on 28 August 1990. On 14 January 1991, Petitioner received orders directing him upon completion of Accession Training to report no later than 1 March 1991 to █, located in █, █.

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d. On 19 July 1991, Petitioner received non-judicial punishment (NJP) for six specifications of failure to go to his appointed place of duty. On 13 September 1991, Petitioner received his second NJP for two specifications of unauthorized absence.

e. On 21 November 1991, Petitioner was notified that he was being recommended for administrative discharge from the Navy. Petitioner was informed that the least favorable characterization of service he could receive was General (under honorable conditions). Petitioner was advised of, and waived his procedural right, to consult with and be represented by military counsel.

f. On 12 December 1991, the separation authority directed Petitioner's administrative discharge from the Navy with a General (under honorable conditions) characterization of service by reason of misconduct due to pattern of misconduct. On 23 December 1991, Petitioner was so discharged.

g. Petitioner states that his foreign service for desert storm/shield is not listed on his DD Form 214. He would like to get desert storm screening from the VA Clinic.

#### 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 characterization of service, the Board determined that the record is in error. The Board noted on 12 December 1991, the separation authority directed to execute Petitioner's administrative discharge from the Navy with a "General (under honorable conditions)" characterization of service. Petitioner's DD Form 214 inaccurately reflects his characterization of service as "Under Other Than Honorable Conditions (General)." In this regard, the Board concluded that Petitioner's characterization of service should accurately reflect his characterization of service as "General (under honorable conditions)" in accordance with the separation authority's direction.

In regard to Petitioner's request concerning his Foreign Service, applicable regulations authorizes periods of Foreign Service to be annotated on the DD Form 214 when that service is performed outside the 50 United States or its commonwealths and territories, except while on deployment. The Board noted there is no evidence in the record that reflects Petitioner was permanently attached to a command outside of the United States requiring annotation of Foreign Service.

#### RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214 to indicate that on 23 December 1991, Petitioner's characterization of service was "General (under honorable conditions)."

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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.

11/20/2021

[REDACTED]

[REDACTED]

Executive Director

Signed by: [REDACTED]