



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

█
Docket No: 6666-21
Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █,.,
USNR, XXX-XX-█

Ref: (a) 10 U.S.C. § 1552
(b) USD Memo of 25 Jul 18 (Wilkie)

Encl: (1) DD Form 149 w/attachment
(2) DD Form 214 of 16 Jul 87
(3) History of Assignments
(4) NJP of 4 Mar 88
(5) Retention Counseling of 4 Mar 88
(6) NJP of 5 Apr 88
(7) Notification of Proposed Action of 7 Apr 88
(8) Discharge Authority of 14 May 88
(9) DD Form 214 of 26 May 88

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 discharge be upgraded to honorable because his discharge was 30 years ago and he has no civil actions or record.

2. A three-member panel of the Board, sitting in executive session, considered Petitioner's application on 8 December 2021. The names and votes of the panel members will be furnished upon request. Petitioner allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. 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 regulation 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.

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c. Petitioner enlisted in the U.S. Naval Reserve and began his initial period of active duty for training on 10 March 1987 and was released on 16 July 1987. At the time of his release he was issued a certificate of release or discharge (DD Form 214) that indicated an honorable characterization of service. See enclosure (2).

d. Petitioner began another period of active duty on 29 January 1988. See enclosure (3).

e. Petitioner received nonjudicial punishment (NJP) on 4 March 1988, for failure to obey an order or regulation. Specifically, wearing unauthorized civilian clothes and authorized physical training gear at the Navy Exchange on 22 and 23 February 1988. See enclosure (4).

f. On 4 March 1988, Petitioner was notified that he was being retained in the naval service, and the following deficiencies were noted: Petitioner demonstrated unsatisfactory performance and/or conduct by his commission of disciplinary infractions as evidence by his failure to obey rules and regulations. Petitioner was given 1-day to correct his deficiencies and that any further deficiencies could result in administrative separation. See enclosure (5).

g. Petitioner received NJP on 5 April 1988, for failure to obey an order or regulation, specifically, failed to be in the uniform of the day. See enclosure (6).

h. On 7 April 1988, Petitioner was notified of proposed administrative separation by reason of misconduct due to commission of a serious offense at which time he waived all his procedural rights. On 21 April 1988, Petitioner's commanding officer recommended an under other than honorable (OTH) conditions character of service. See enclosure (7).

i. On 14 May 1988, the discharge authority directed Petitioner be discharged with an OTH character of service, and on 26 May 1988 Petitioner was discharged. See enclosures (8) and (9).

BOARD CONCLUSION

The Board, in its review of Petitioner's entire record and application, carefully weighed all potentially mitigating factors and determined that Petitioner's request did not warrant relief.

The Board noted that Petitioner failed to obey an order or regulation on multiple occasions, which constitute serious offenses. He then received two NJPs and one retention counseling within a 30 day period for the aforementioned offenses.

The Board further noted Petitioner did not submit advocacy letters or post-service documents to be considered for clemency purposes. Based upon this review, the Board concluded that the mitigating factors Petitioner presented were insufficient to warrant relief.

In view of the above, the Board recommends the following corrective action.

BOARD RECOMMENDATION

In view of the above, the Board recommends no relief.

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EXECUTIVE DIRECTOR CONCLUSION

Notwithstanding the Board's conclusion, I believe to the contrary, the Petitioner's discharge was too harsh given the offenses that he committed, and Petitioner's request warrants full relief. Petitioner's offenses were based on failure to be in the appropriate uniform and wearing unauthorized civilian clothes. Reference (b), specifically mentions mitigating factors such as the severity of the misconduct, length of time since the misconduct, and whether the punishment was too harsh. Based upon this review, I concluded that no useful purpose is served by continuing to characterize Petitioner's service as anything but honorable. Accordingly, I recommend that Petitioner's characterization of service should be upgraded to honorable.

EXECUTIVE DIRECTOR RECOMMENDATION

That Petitioner be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty to show he was discharged with a honorable characterization of service.

That no further changes be made to Petitioner's naval 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. The foregoing action of the Board is submitted for your review and action.

12/27//2021

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Deny Relief)

Reviewed and Approved Other Recommendation (Upgrade to General)

Reviewed and Approved Executive Director Recommendation (Grant Full Relief)

1/25/2022

[REDACTED]

Assistant General Counsel (M&RA)

Signed by: [REDACTED]