



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

[REDACTED]  
Docket No: 6994-21  
Ref: Signature Date

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

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

Encl: (1) DD Form 149  
(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 naval record be corrected by upgrading the characterization of service from "general" to "general" to "honorable" on his 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 10 January 2022 and, pursuant to its regulations, determined 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 interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and granted a pre-service drug abuse waiver. On 18 September 1981, Petitioner began a period of active duty. On 13 July 1984, Petitioner received nonjudicial punishment (NJP) for failure to obey a lawful order, larceny and wrongful

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appropriation, and two instances of obtaining services under false pretenses. On 17 May 1986, Petitioner was accused of selling cocaine from his billet room at Fort Myers, VA. On 27 July 1986, Petitioner was detained by military authorities for excessive speeding, at which point, he failed two sobriety test and refused to submit to a breathalyzer. He was charged with driving under the influence and his driving privileges were revoked. As a result of the foregoing, it was determined that Petitioner be required to attend in the level II alcohol rehabilitation outpatient program and the level II training program. On 17 October 1986, the Petitioner's room was searched by U.S. Army Criminal Investigation Department (CID), at which point, an undermined amount of cocaine and materials for processing and distribution were discovered. On 25 February 1987, Petitioner was charged with wrongful possession, use, and distribution of cocaine. On 8 June 1987, the Petitioner's charges were referred for special court martial (SPCM) but later withdrawn due to illegal room search. On 16 May 1988, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense and misconduct due to drug abuse. On the same date, Petitioner exercised his right to an administrative discharge board (ADB). On 8 July 1988, the ADB voted (3) to (0) that Petitioner did not committed misconduct due to commission of a serious offense, or misconduct due to drug abuse. On 29 July 1988, Petitioner was terminated from the Counseling and Assistance Center (CAAC) level II program due to his unwillingness to participate. Petitioner's final prognosis at the time of termination was fair with moderate potential for further abuse. On 18 August 1988, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to alcohol abuse and rehabilitation failure, misconduct due to commission of a serious offense, and misconduct due to drug abuse. On the same date, Petitioner elected to waive all his procedural rights. On 2 September 1988, the Petitioner's commanding officer recommended an other than honorable (OTH) discharge characterization of service by reason of misconduct due to commission of a serious offense and misconduct due to drug abuse. On 10 September 1988, the discharge approval authority approved and ordered that Petitioner be discharged from service with a general characterization of service by reason of misconduct due to commission of a serious offense. Petitioner was discharged on 23 September 1988.

d. Petitioner contends that the discharge characterization he received at the time of separation was not warranted based on performance evaluation. Petitioner states that there was no justification for receiving a general discharge.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined the Petitioner's request warrants partial favorable action. The Board noted Petitioner's misconduct and does not condone his actions, which subsequently resulted in a general discharge. However, in light of reference (b), taking into account his commanding officer's recommendation, after reviewing the record holistically, and given the totality of the circumstances and purely as a matter of clemency, the Board concluded Petitioner's narrative reason for separation should be change to secretarial authority.

In regard to the Petitioner's request for upgrade to his characterization of service, the Board determined the Petitioner was issued the appropriate characterization of service.

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

RECOMMENDATION:

In view of the above, the Board directs the following corrective action: Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating “secretarial authority” narrative reason for separation, “JFF” separation code, and “MILPERSMAN 1910-164” separation authority.

No further changes be made to Petitioner’s record.

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 Regulation, 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.

1/26/2022

[REDACTED]

Executive Director

[REDACTED]