



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

[REDACTED]
Docket No: 1375-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN,
[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 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 General (under honorable conditions) discharge be upgraded to an honorable character of service.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 March 2022 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 Marine Corps and began a period of active duty on 25 June 1984. Petitioner completed this enlistment on 13 July 1988, with an Honorable characterization of service. Petitioner reenlisted in the Navy on 14 July 1988. He completed this enlistment on 1 July 1992, with an Honorable characterization of service. On 2 July 1992, Petitioner reenlisted into the Navy and began his final enlistment.

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d. On 4 May 1993, Petitioner received non-judicial punishment (NJP) for wrongful use of marijuana. Subsequently, he was notified of pending administrative separation action by reason of misconduct due to drug abuse. Petitioner elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). The ADB found that Petitioner committed misconduct due to drug abuse and recommended he receive a general (under honorable conditions) characterization of service. The SA approved the CO's recommendation and on 14 September 1993, he was so discharged.

e. Petitioner states that during his service he was a honor recruit, honor student, and Sailor of the year. Since discharge, Petitioner contend he received his Master's Degree, worked as a team lead for over 23 years, a husband for 22 years, volunteer for a VetNet group, and a adjunct at [REDACTED] collage a [REDACTED].

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 request for an upgrade of his character of service, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with reference (b). These included, but were not limited to, Petitioner's desire to upgrade his discharge character of service and his statement as previously discussed. Based upon this review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJP for drug abuse, outweighed these mitigating factors. In making this finding, the Board found that Petitioner's conduct showed a complete disregard for the "Zero Tolerance" policies of the Navy. Further, the Board noted that Petitioner received a General (under honorable conditions) discharge for conduct that normally associated with an other than honorable characterization. As a result, the Board determined his assigned characterization already received a measure of mitigation due to his accomplishments while in the Navy. Regarding Petitioner's post-discharge behavior, the Board noted Petitioner did not submit any supporting documentation or advocacy letters in support of his application to be considered for clemency consideration. Accordingly, given the totality of the circumstances, the Board determined that Petitioner's request does not merit relief.

Despite these findings, after further review of Petitioner's official military personnel file, the Board noted Petitioner has a two periods of honorable service from "25 June 1984 to 13 July 1988" and "14 July 1988 to 1 July 1992". The Board concluded that his Certificate of Release or Discharge from Active Duty (DD Form 214) should reflect these periods of continuous honorable service.

Applicable regulations authorizes the language "Continuous Honorable Active Service" in Block 18 (Remarks) of the DD Form 214, when a service member has previously reenlisted without being issued a DD Form 214, and was separated with a discharge characterization except

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[REDACTED]

“Honorable,” as is the case at present. In this regard, the Board determined Petitioner’s naval record shall be corrected to reflect his continuous honorable active service.

RECOMMENDATION:

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

That Petitioner's naval record be corrected to reflect his periods of service from “25 June 1984 to 13 July 1988” and “14 July 1988 to 1 July 1992” as honorable. Petitioner shall be issued a DD Form 215 with correction to the Remarks Section, annotating “Continuous Honorable Active Service: “25 June 1984 to 13 July 1988” and “14 July 1988 to 1 July 1992”

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.

4/5/2022

[REDACTED]

Executive Director

[REDACTED]