



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

[REDACTED]
Docket No. 1645-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MBR [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVMILPERSCOMINST 1900.1B of 11 Sep 86

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 Petitioner was entitled to and received a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of service ending 18 November 1989.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 31 March 2022 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, 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. On 22 May 1985, Petitioner enlisted in the U.S. Naval Reserve for 8 years with an Expiration of Obligated Service (EOS) of 21 May 1993.

c. On 21 October 1985, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 20 October 1989.

d. On 29 January 1986, Commanding Officer, Recruit Training Command, [REDACTED] notified Commander, Naval Military Personnel Command that following information is submitted concerning subject member's fraudulent enlistment. Upon enlisting in the U.S. Navy, Petitioner failed to disclose his complete police history. Then on 28 January 1986, Petitioner revealed his fraudulent enlistment during an interview with command's legal investigator.

Despite Petitioner's fraudulent enlistment, further processing in accordance with MILPERSMAN 3630100 is not considered to be in the best interest of the Naval service.

e. In accordance with reference (b), the DD Form 214 provides a brief, clear cut record of a period or term of active service with the Armed Forces which provides the service member with a brief record of

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active service. The DD Form 214 is issued to personnel released from active duty. The form will be prepared for each member at the time of separation from a period of active naval service, temporary active duty, or a period of service determine to be void.

f. On 3 February 1988, Petitioner was subject to Summary Court-Martial for violation of Article 112A with an event date of 7 March 1988. Petitioner's confinement completed from 3 February 1988 to 3 March 1988.

g. On 12 October 1988, Petitioner was subject to Non-Judicial Punishment (NJP) for violation of Article 86 with an event date of 13 October 1988.

h. On 21 September 1989, Petitioner was subject of a NJP for violation of Article 112A with an event date of 22 September 1989.

i. On 18 November 1989, Petitioner was not recommended for reenlistment. Furthermore, Petitioner was released from active duty as a BMSA/E-2.

j. On 21 May 1993, Petitioner was discharged from the U.S. Naval Reserve as a BMSA/E-2.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (b), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner was entitled to a DD Form 214 at the time he was released from active duty.

RECOMMENDATION

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

Petitioner was issued DD Form 214 for the period of service from 21 October 1985 to 18 November 1989.

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.

4/22/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]

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