



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

██████████
Docket No: 1963-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████,
USN, ██████████

Ref: (a) 10 U.S.C. 1552
(b) BUPERSINST 1900.8 dtd 28 Jun 1993

Encl: (1) DD Form 149
(2) Case summary
(3) Naval record (excerpts)

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 upgrade to his characterization of service to Honorable, change to his separation reason to convenience of the government, and change to reentry code to RE-RE1 or RE-3 with a corresponding SPD code. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 8 April 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 his naval service records, 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. 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 27 June 2001.

d. On 30 March 2005, Petitioner reenlisted for a period of six years.

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e. On 17 November 2005, Petitioner received non-judicial punishment (NJP) for failure to obey a lawful order. On 26 September 2006, Petitioner submitted an admission to making a false official statement. As a result, Petitioner received non-judicial punishment (NJP) for making a false official statement. On 2 October 2006, Petitioner was notified of the initiation of administrative separation proceedings for commission of a serious offense, at which point, he waived his right to consult with counsel. On 16 October 2006, the separation authority approved and directed Petitioner's discharge with a General (Under Honorable Conditions) (GEN) character of service by reason of misconduct due to commission of a serious offenses. On 27 October 2006, Petitioner was discharge as directed by the separation authority. On 20 November 2006, Petitioner's commanding officer concurred with the Petitioner's GEN characterization of service.

f. Petitioner's record contains an administrative error. Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) does not include his period of honorable service during his first enlistment from 27 June 2001 to 29 March 2005. Per Reference (b), Box 18 should indicate Petitioner's periods of honorable service.

g. Petitioner is requesting change to his characterization of service to Honorable, separation reason to convenience of the government, and reentry code to RE-RE1 or RE-3 with corresponding SPD code as a matter of clemency. Petitioner contends he served, and is still serving honorably. Petitioner admits to his misconduct; however, he contends that he has shown rehabilitation, and will never commit any offense that would jeopardize a mission or the safety of the crew. Petitioner provides additional statements, four character letters, and his Official Military Personnel Files (OMPF).

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief. The Board found the separation authority provided ample clemency to Petitioner by directing Petitioner's GEN characterization of service. The Board specifically noted Petitioner's two NJPs during his second enlistment period and considered the seriousness of his misconduct. The Board carefully reviewed all evidence provided by Petitioner in support of his request as a matter of clemency. The Board noted Petitioner's positive post service conduct, but determined Petitioner failed to provide sufficient evidence to mitigate the seriousness of his repeated misconduct. Accordingly, the Board concluded that negative aspects of Petitioner service outweighed the positive aspects during his second enlistment and continue to warrant his assigned GEN characterization. Further, the Board found no error or injustice with his narrative reason for separation, separation code, or reentry code based on his two NJPs for offenses that qualified for a punitive discharge under the Uniform Code of Military Justice and, therefore, met the requirements for commission of a serious offense.

Notwithstanding, in light of the administrative error, and reference (b), the Board determined Petitioner's record warrants partial relief. The Board noted Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) contains an administrative error and warrants correction. Petitioner's DD Form 214 does not indicate his period of honorable service during his first enlistment from 27 June 2001 to 29 March 2005.

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RECOMMENDATION:

In view of the above, the Board directs the following corrective action: Petitioner be issued a Correction to Certificate of Release or Discharge from Active Duty (DD Form 215), per reference (b) to document Petitioner's continuous honorable service from 27 June 2001 to 29 March 2005.

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 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.

5/3/2022

[REDACTED]

Executive Director

[REDACTED]