



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

[REDACTED]  
Docket No: 2602-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [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 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 (GEN) character of service be upgraded.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 25 April 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 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 began a period of active duty on 5 March 1980. On 10 March 1980, a Sick Cell Hemoglobin Test revealed Petitioner tested positive for sickle cell trait with a 35% hemoglobin. On 26 March 1980, an additional test yielded a positive result for sickle cell. On 6 March 1980, Petitioner was deemed physically qualified for separation from active duty and, on 9 March 1980, he was discharged with a General (Under Honorable Conditions) characterization of service by reason of fraudulent enlistment.

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d. Petitioner contends he could not have falsified documents to enroll in the Navy as, at the time of his enlistment and contrary to his separation reason, he did not provide false or fraudulent information.

e. Petitioner submitted his DD Form 214 for consideration.

#### 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 relief. Additionally, the Board reviewed Petitioner's application under the guidance provided in reference (b).

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board noted that Petitioner's service record did not contain his administrative separation documents. As a result, the Board relied on the presumption of regularity to conclude that the official actions of public officers were properly discharged in the absence of substantial evidence to the contrary. In addition, the Board determined that an Honorable discharge was appropriate only if the Sailor's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board determined it lacked evidence that Petitioner's service met this criteria. In making this finding, the Board noted that Petition did not submit any supporting documentation or advocacy letters on the issue of an upgrade.

However, in light of reference (b), after reviewing the record holistically, given the totality of the circumstances and purely as a matter of clemency, the Board concluded Petitioner's narrative reason for separation, separation code, separation authority, and reentry code should be changed since there was no evidence Petitioner was aware of his latent medical condition that formed the basis for his fraudulent enlistment discharge.

#### RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214 indicating the narrative reason for separation as "Secretarial Authority," separation code as "JFF," separation authority as "MILPERSMAN 1910-164", and reentry code as "RE-1J".

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 Regulation, Section 723.6(e)) and

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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.

5/14/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]