



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

█  
Docket No: 2642-22

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

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 an upgrade to his characterization of service from "Other Than Honorable" to "Honorable." Enclosures (1) and (2) apply
2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 23 May 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 30 January 1986.
  - d. From a period beginning on 8 May 1986 to 29 May 1986, Petitioner began two periods of unauthorized absence (UA) which added to a total of 20 days.
  - e. On 6 June 1986, Petitioner received nonjudicial punishment (NJP) for two periods of UA, three instances of failure to obey a lawful order, and one instance of falsifying a document.

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

- f. On 7 July 1986, Petitioner began a third period of UA which lasted one day.
- g. On 9 July 1986, Petitioner received a second NJP for one instance of failure to report to appointed place of duty, and 26 instances of failure to obey a lawful order.
- h. During the period of 11 September 1986 to 15 October 1986, Petitioner was UA for a total of 26 days.
- i. On 16 October 1986, Petitioner received a third NJP for two instances of UA.
- j. From a period beginning on 21 October 1986 to 6 March 1987, Petitioner began 9 periods of UA which added a total of 67 days and 19 hours.
- k. On 7 May 1987, Petitioner received a fourth NJP for an instance of UA. On the same date, he began a fifteenth period of UA which lasted four days.
- l. On 8 June 1987, Petitioner was discharged with a "Bad Conduct" (BCD) characterization of service by reason of misconduct due to commission of a serious offense.
- m. Petitioner contends his discharge was attributed to periods of unauthorized absence. He is not asking the Board to overturn his verdict, however, he is seeking for leniency of his sentence. He received a bad conduct discharge and later received a letter informing him that his BCD was upgraded to an Other Than Honorable (OTH). His discharge has drastically affected his life to the point that he is currently homeless, without a job, and no future aspirations. Petitioner truly regrets that he was not present for duty as he promised during his enlistment. For purposes of clemency consideration, Petitioner did not provide supporting documentation describing post-service accomplishments or advocacy letters.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board determined that the Petitioner's record warrants partial favorable action.

The Board noted Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) contains an administrative error which reflects an incorrect characterization of service and requires correction from a "Bad Conduct" to an "Other Than Honorable."

Regarding Petitioner's request to upgrade his characterization of service to Honorable, the Board determined insufficient evidence exists to support relief. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. These included, but were not limited to, his desire for a discharge upgrade and his aforementioned contentions. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined Petitioner's repeated misconduct, as evidenced by his NJPs and multiple UA periods, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and determined his conduct showed a

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

complete disregard for military authority and regulations. As a result, the Board concluded Petitioner's conduct constituted a significant departure from that expected of a Sailor and continues to warrant an OTH characterization. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading Petitioner's characterization of service or granting clemency in the form of an upgraded characterization of service.

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

RECOMMENDATION:

That Petitioner's naval record, be corrected to separation reason.

That Petitioner be issued a new DD Form 214 reflecting an "Other Than Honorable" discharge characterization of service vice a "Bad Conduct."

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.

6/16/2022

[REDACTED]

Executive Director

[REDACTED]