



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

█  
Docket No: 3468-22

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, XXX-XX-█

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 he be issued a second Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting his previous period of Honorable service.

2. The Board, consisting of █, █ and █, reviewed Petitioner's allegations of error and injustice on 25 May 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. Petitioner enlisted in the Navy. During the period from 10 September 1996 to 7 September 2011, Petitioner completed three periods of Honorable service and immediately reenlisted again on 8 September 2011.

c. On 1 December 2016, Petitioner was convicted by a general court-martial (GCM). Pursuant to Petitioner's pretrial agreement, Petitioner was required to voluntarily submit his request to transfer to the Fleet Reserve in lieu of administrative separation processing.

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[REDACTED], USN, XXX-XX-[REDACTED]

Subsequently, the separation authority directed Petitioner's administrative discharge from the Navy with an Other Than Honorable (OTH) characterization of service by reason of misconduct due to commission of a serious offense and, on 1 March 2019, Petitioner was so discharged.

d. Petitioner contends that he received three consecutive Honorable discharges during a 15 year span of active duty service to include five Good conduct awards. However, the Department of Veterans Affairs (VA) has deemed him ineligible for VA benefits and health care based on his final period of service resulting in a characterization of service of OTH.

#### 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.

After review of Petitioner's official military personnel file (OMPF), the Board noted Petitioner has a period of honorable service from "10 September 1996 to 7 September 2011." The Board determined Petitioner's DD Form 214 incorrectly reflects this period of 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 "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.

Regarding Petitioner's request for a separate DD Form 214 covering his periods of honorable service, the Board determined the corrected DD Form 214 adequately addresses his concerns. In making this finding, the Board considered Petitioner's arguments regarding VA eligibility but concluded eligibility for VA benefits is not a matter under the purview of this Board.

#### 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 show his period of service from "10 September 1996 to 7 September 2011" as Honorable. Petitioner shall be issued a DD Form 215 with correction to the Remarks Section, Block 18, annotating "Continuous Honorable Active Service: "10 September 1996 to 7 September 2011."

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.

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[REDACTED], USN, XXX-XX-[REDACTED]

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.

6/17/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]