



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

[REDACTED]  
Docket No. 8763-22

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 of 25 July 2018 (Wilkie Memo)

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 Certificate of Release or Discharge from Active Duty (DD Form 214) be corrected to reflect his Active Duty Service Date (ADSD) and his period of service.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 6 February 2023, and, pursuant to its regulations, determined 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 including 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. 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 17 June 1975. From 5 to 30 October 1975, Petitioner was enrolled in Aviation Structural Mechanic Course but was disenrolled due to disciplinary action. On 16 January 1976, Petitioner was found guilty at a special court-martial (SPCM) of three specifications of unauthorized absences (UAs) totaling 36; two of which ended in his apprehension. He was sentenced to be restricted for 30 days, to hard labor without confinement for 30 days, which was to run concurrently, to forfeit \$200.00 pay per

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

month for one month, and to be reduced in rank to E-1. On 31 August 1976, Petitioner received his first nonjudicial punishment (NJP) for two specifications of UA from his appointed place of duty. He received two additional NJPs, on 13 December 1976 and 31 January 1977, from infractions of disrespect toward a superior commissioned officer and two specifications of UA respectively. From 31 January 1977 through 12 March 1979, Petitioner incurred an additional period of UA totaling 644 days. On 28 June 1979, Petitioner was discharged with a Void Enlistment by reason of enlisted, reenlisted, extended, or inducted in error.

d. Petitioner contends his ADSD shows “void enlistment” on his DD Form 214 and does not reflect his date of entry into service or his service period as he did attend basic training and does not have a date of rank.

e. For purposes of clemency and equity consideration, the Board noted Petitioner provided a copy of his DD Form 214 and his basic training photo.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner’s request warrants full relief. Specifically, with regard to Petitioner’s request that his ADSD and service period be added to his DD Form 214, the Board noted his DD Form 214 requires correction based on the missing information.

Further, in reviewing his record, the Board determined Petitioner warrants a General (Under Honorable Conditions) characterization. The Board was not willing to grant an upgrade to an Honorable discharge. 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 concluded by opining that certain negative aspects of the Petitioner’s conduct and/or performance outweighed the positive aspects of his military record, and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate.

Additionally, based on his history of misconduct, the Board determined he was unsuitable for military service and merits a RE-4 reentry code. Finally, the Board deemed it was in the interests of justice to assign him a Secretarial Authority discharge based on the circumstances of his case.

#### RECOMMENDATION:

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

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) capturing Petitioner’s Characterization of Service as “General (Under Honorable Conditions),” active duty dates as “17 June 1975 to 28 June 1979”, Separation Authority as “BUPERSINST 3850220”, Separation Code as “JFF”, Narrative Reason for Separation as “Separation for other good and sufficient reasons when determined by the Secretary of the Navy”, and his reenlistment code as “RE-4.”

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

Naval Personnel command will assign appropriate entries to Petitioner's DD Form 214 record of service based on his assigned active duty dates.

No further changes be made to Petitioner's record.

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.

2/24/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]