



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

[REDACTED]
Docket No. 1271-23

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 enclosures
(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 her naval record be corrected by updating her characterization of service to General (Under Honorable Conditions) (GEN) conditions on her Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 20 March 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 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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 28 December 1994. On 26 February 1996, Petitioner received nonjudicial punishment (NJP) for failure to obey a

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lawful written order by wrongfully violating the fraternization policy. Petitioner was then notified of her pending administrative separation by reason of commission of a serious offense (COSO), at which time she waived her right to consult with military counsel and to have her case heard before an administrative discharge hearing. On 22 March 1996, the separation authority directed Petitioner be discharged with an Other Than Honorable (OTH) characterization by reason of COSO. On 11 April 1996, Petitioner was so discharged.

c. Petitioner previously applied to this Board for an upgrade to her characterization of service and was denied on 18 May 2022.

d. Petitioner contends her characterization of discharge does not adequately reflect the nature for which she was discharged. She argues that she was used as an example of what would happen if other female sailors were found engaging in sexual contact while on a ship.

e. For purposes of clemency and equity consideration, Petitioner submitted a statement outlining the injustice she received during her Navy service and her post-service accomplishments. She also submitted several character letters from community members who attest to her post-service conduct and her contributions to their community.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that given the totality of circumstances, Petitioner's request merits full relief. The Board reviewed Petitioner's application under the guidance provided in reference (b). Specifically, the Board considered whether her application was the type that was intended to be covered by this policy.

In this regard, the Board noted Petitioner's disciplinary infraction and does not condone her misconduct. However, in reviewing Petitioner's record, the Board noted that her documented misconduct consisted of violating a lawful written order for which she received appropriate punishment. In addition, the Board noted no aggravating circumstances in relation to Petitioner's misconduct. Accordingly, in light of reference (b), after reviewing the record holistically, and given the totality of the circumstances and purely as a matter of clemency, the Board concluded Petitioner's discharge characterization of service should be changed to "Honorable," and her narrative reason for separation changed to "Secretarial Authority" with associated changes to her separation authority, separation code, and reentry code.

RECOMMENDATION:

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

That Petitioner be issued a new discharge certificate and Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 11 April 1996, Petitioner's character of service was "Honorable," the narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," the reentry code was "RE-1," and the separation authority was "MILPERSMAN 1910-164."

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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.

4/4/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]