



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

██████████  
Docket No. 2312-23

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████,  
USN, ██████████

Ref: (a) Title 10 U.S.C. §1552  
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)  
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)  
(d) USD Memo of 25 Aug 17 (Kurta Memo)  
(e) USECDEF Memo of 25 Jul 18 (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 naval record be corrected to upgrade his characterization of service and change his narrative reason for separation from "Commission of a Serious Offense (COSO)" to "Secretarial Authority."

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 17 April 2023, 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.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to review the application on its merits. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. The Petitioner enlisted in the United States Navy and began a period of active service on 28 October 1994.

b. On 30 June 1995, Petitioner received non-judicial punishment (NJP) for violating Uniform Code of Military Justice (UCMJ) Article 86, for failure to go to an appointed place of duty, and Article 91, for disobeying a chief petty officer by refusing to wear dungaree pants.

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c. On 5 September 1996, Petitioner received his second NJP for violating UMCJ Article 128, for assault consummated by a battery. Petitioner asserts that he was trying to get a shipmate to calm down and be quiet and wrestled him to get him under control.

d. On 15 October 1996, Petitioner received his third NJP for violating UCMJ Article 86, for failure to go to an appointed place of duty (restricted muster) on three separate occasions.

e. On 30 April 1997, Petitioner received his fourth and final NJP for violating UCMJ Article 92, for failure to obey a lawful order by wrongfully using smokeless tobacco.

f. Petitioner's administrative separation documents are missing from his record. However, his DD Form 214 document that he was discharged from the Navy on 22 May 1997 with an Other than Honorable (OTH) characterization of service for "Commission of a Serious Offense," with a separation authority of "MILPERSMAN 3630600," a separation code of "HKQ," and assigned an RE-4 reentry code.

## CONCLUSION

Upon review of all the evidence of record, the Board concluded that Petitioner's request warrants relief. The Board noted an error on the Petitioner's DD Form 214, specifically, the narrative reason for separation is listed as "Commission of a Serious Offense" but the separation authority states "MILPERSMAN 3630600," which references "Pattern of Misconduct." As previously discussed, Petitioner's record is incomplete, in that it does not contain the documents pertinent to the administrative separation processing. Therefore, to fix this administrative error, the Board concluded it was in the interests of justice that certain remedial administrative changes be made to the DD Form 214, specifically, that it would be appropriate to change both the narrative reason for separation and the separation authority to reflect "Secretarial Authority."

Further, the Board noted Petitioner's misconduct and does not condone it. Additionally, the Board was not persuaded by his rationalizations regarding his misconduct. However, after reviewing his offenses, the Board noted that his incidents of misconduct, while numerous, were relatively minor in nature. Therefore, after reviewing his extensive evidence of post-service accomplishments and character letters, the Board determined, purely as a matter of clemency, that his characterization of service should be upgraded to General (Under Honorable Conditions).

Notwithstanding the recommended corrective action below, 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 member'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.

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## RECOMMENDATION

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

That Petitioner's characterization of service be changed to General (Under Honorable Conditions)," the separation authority be changed to "MILPERSMAN 1910-164," the separation code be changed to "JFF," the narrative reason for separation be changed to "Secretarial Authority," and the reentry code be changed to "RE-1J."

Petitioner shall be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty reflecting the recommended changes.

No further changes are required.

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 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.

4/27/2023

