Docket No. 2483-23
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW 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 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a change to his naval record, specifically, to change his "Other Than Honorable (OTH)" Characterization of Service on his Certificate of Release or Discharge from Active Duty (DD Form 214). It is implied that he is requesting associated changes to his narrative reason for separation, separation authority, SPD code, and reentry code. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 10 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, 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute limitation and review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 27 July 1961.

On 20 December 1961, a summary court-martial (SCM) convicted Petitioner of larceny. On 29 October 1964, a special court-martial (SPCM) convicted Petitioner of two specifications of unauthorized absence (UA) and missing ship's movement. On 25 February 1965, civil authorities convicted Petitioner of grand theft. Subsequently, he was notified of pending administrative separation action by reason of misconduct due civil conviction. Petitioner elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). The ADB found that Petitioner committed misconduct due to civil conviction and recommended he be separated with an Other Than Honorable (OTH) characterization of service. The separation authority (SA) concurred with the ADB and directed an OTH discharge. In the meantime, on 23 August 1965, Petitioner received NJP for being in a UA status for 198 days. On 27 August 1965, he was discharged.

    d. This Board denied Petitioner's initial application on 8 November 2012.

    e. Petitioner contends he turned his life around after his discharge and became an ordained minister providing service to the community. For purposes of clemency and equity consideration, the Board noted Petitioner provided documentation describing post-service accomplishments and advocacy letters.

CONCLUSION

Upon review and consideration of all the evidence of record, and in light of reference (b), the Board concludes that Petitioner's request merits relief. The Board notes Petitioner's disciplinary infraction and does not condone his misconduct. However, the Board concluded that Petitioner's post-service conduct supports the recommended relief in his case. Therefore, purely as a matter of clemency, the Board concluded it was appropriate to upgrade Petitioner's characterization of service to General (Under Honorable Conditions) (GEN) and change his Narrative Reason for Separation to Secretarial Authority with associated changes to his SPD code, Separation Authority and Reenlistment Code.

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.

In view of the foregoing, the Board finds injustice warranting the following corrective action.

RECOMMENDATION

That Petitioner's record be corrected to show that, on 27 August 1965, his characterization of service was "General (Under Honorable Conditions) (GEN)", narrative reason for separation was "Secretarial Authority," SPD code was "JFF," separation authority was "MILPERSMAN 1910-164", and reenlistment code was "RE-1".

That Petitioner be issued a new DD Form 214.

That no further changes be made to the 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.

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.

4/25/2023

Deputy Director
Signed by: ████████████████