



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

██████████  
Docket No. 2711-23  
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. 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 interest of justice to waive the statute limitation and 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. Petitioner enlisted in the Navy on 10 September 1982. On 16 November 1982, he received non-judicial punishment (NJP) for failure to obey a lawful order and drunk on station. On 28 March 1986, he received NJP for wrongful use of marijuana.

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER ██████████, USN,  
XXX-XX ██████████

b. Subsequently, he was notified of pending administrative separation action by reason of misconduct due to drug abuse. After electing to make a statement, his commanding officer (CO) forwarded his package to the separation authority (SA) recommending his discharge by reason of misconduct due to drug abuse with an OTH characterization of service. The SA approved the CO's recommendation and, on 28 May 1986, he was discharged.

c. Petitioner contends he was treated more harshly than others after committing his misconduct but expressed remorse for his conduct. He also argues that he earned a degree in electronic technology, became a master electrician, and raised three sons.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request merits relief. The Board notes Petitioner's disciplinary infraction and does not condone his misconduct. Additionally, the Board found no error with Petitioner's administrative separation or assigned characterization of service. Nor was the Board persuaded by Petitioner's arguments of disparate treatment. However, the Board concluded that Petitioner's post-service accomplishments and conduct supports the recommended relief in his case. Specifically, the Board concluded, purely as a matter of clemency, it was appropriate to upgrade Petitioner's characterization of service to General (Under Honorable Conditions) 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.

## RECOMMENDATION

In view of the foregoing, the Board finds in favor of clemency warranting the following corrective action:

That Petitioner's naval record is corrected to show, for the period ending 28 May 1986, that he was issued a "General under Honorable Conditions" characterization of service, a Narrative Reason for Separation, as "Secretarial Authority", SPD code as "JFF," separation authority was "MILPERSMAN 1910-164", and Reenlistment code was "RE-1." Note: That Petitioner be issued a new DD Form 214 reflecting these changes.

That no further changes be made to the record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

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

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.

4/26/2023

[REDACTED]

Deputy Director

[REDACTED]