



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

█
Docket No. 6968-23

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
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Ref: (a) 10 U.S.C. §1552
(b) 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 her discharge be upgraded on her Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 16 October 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.

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. During Petitioner's enlistment processing she disclosed having used marijuana and was granted an enlistment waiver. Petitioner began active duty in the Navy on 20 May 2002 and, after a period of continuous Honorable service, immediately reenlisted on 5 April 2007. From 13 August 2007 to 15 December 2007, while her roommate was deployed to Iraq, Petitioner admittedly forged her roommate's checks in her name for a total of \$6,359.42. On 6 May 2008, Petitioner was arrested by the █ Police Department █ for her involvement with ATM (Automated Teller Machine) theft. Petitioner was subsequently notified of her pending

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administrative processing by reason of commission of a serious offense (COSO), at which time she waived her right to consult with qualified counsel and to have her case heard before an administrative discharge board. Her commanding officer recommended to the separation authority that she be discharged with an Other Than Honorable (OTH) characterization of service by reason of COSO adding, “[Petitioner] was given the opportunity to repay her roommate for the money taken from her account. However, when the Command was made aware that the HPD had charged her with multiple ATM theft offenses separate from her theft from a member at the Command, and discussed with her the impact of her actions, it was clear she lacked any rehabilitative potential. As a result of these new charges, her inability to repay her roommate in a timely manner, and her demonstrated unwillingness to conform to rules and regulations of the United States Navy, I find no potential for further Naval Service.” On 12 June 2008, she was discharged with an OTH by reason of COSO. Upon her discharge, she was issued a DD Form 214 that did not reflect her period of continuous Honorable service from 20 May 2002 to 4 April 2007.

d. Petitioner contends: (1) she has learned the true meaning of Honor, Courage and Commitment, (2) what she did was wrong, (3) she was young and was not thinking straight, (4) she would do anything to turn back time and right her wrongdoing, (5) the OTH has followed her for a long period of time, (6) she is suffering from post-traumatic stress disorder (PTSD) and cannot obtain any help through the Department of Veterans Affairs because of her discharge characterization, (7) she has been out of the Navy since 2008 and just learned of the opportunity to have her discharge overturned, (8) she took her military career for granted, and (9) she has fellow shipmates that have retired or that are chiefs (E-7s) and master chiefs (E-9s) at this time and always thinks that could have been her.

e. For purposes of clemency consideration, the Board noted Petitioner did not provide advocacy letters or supporting documentation describing post-service accomplishments. Additionally, the Board noted that Petitioner checked the “PTSD” box on her application but chose not to respond to the Board’s letter requesting supporting evidence of her claim.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner’s request warrants favorable action in the form of partial relief. Specifically, the Board determined Petitioner’s DD Form 214 should be corrected to document her period of continuous Honorable service.

With regard to Petitioner’s request that her characterization of service be upgraded, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner’s case in accordance with the Wilkie Memo. These included, but were not limited to, Petitioner’s desire for a discharge upgrade and the previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that her misconduct, as evidenced by her

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larceny from a shipmate, outweighed any mitigating factors presented. In making this finding, the Board considered the seriousness of her misconduct and found that her conduct showed a complete disregard for military authority and regulations. The Board also considered the likely discrediting effect her civilian conduct had on the Navy. Finally, the Board took into consideration that Petitioner failed to make timely restitution to her roommate. As a result, the Board concluded Petitioner's conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief she requested or granting her relief as a matter of clemency or equity.

RECOMMENDATION:

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

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) indicating her continuous Honorable service for the period of 20 May 2002 through 4 April 2007.

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.

10/28/2023

