



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

█
Docket No. 7412-23

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) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/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 for an upgrade of her characterization of service.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 20 September 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. 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 21 August 2001.

c. On 1 June 2004, Petitioner was issued an administrative remarks (Page 13) counseling concerning the responsibilities and necessity of maintaining an accurate Department of the Navy Family Care Certificate (NAVPERS 1740/6) and Family Care Plan Arrangement. Petitioner noted that she could not comply with the requirements needed to maintain a current NAVPERS 1740/6. As a result, Petitioner was notified that she was being recommended for administrative discharge from the Navy by reason of convenience of the government - parenthood. Petitioner waived her procedural right to consult with military counsel.

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

d. Petitioner's commanding officer (CO) forwarded the administrative separation package to the separation authority (SA) recommending that Petitioner be administratively discharged from the Navy with an Honorable (HON) characterization of service. The SA approved and directed Petitioner's administrative discharge from the Navy with type warranted by service record character of service by reason of parenthood or custody of minor children. The SA noted that if GEN character of service is warranted, Petitioner shall be notified of the specific factors in the service record warranting such characterization via a Page 13 service record entry. On 6 August 2004, Petitioner was discharged from the Navy with a GEN characterization of service by reason of parenthood or custody of minor children.

e. Petitioner contends that she was informed by the administrative office onboard [REDACTED] that she would still be able to use her GI Bill after discharge; however, she has been denied that usage due to her assigned characterization of service.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants relief in the interests of justice.

The Board noted Petitioner's record did not have any disciplinary infractions, nor a Page 13 service record entry notifying Petitioner of the specific factors that warranted a GEN character of service as directed by the SA. The Board considered the totality of the circumstances to determine whether relief is warranted in the interests of justice in accordance with reference (b). After reviewing the record holistically, and given the totality of the circumstances and as a matter of clemency, the Board concluded Petitioner's discharge characterization should be changed to Honorable. In making this determination, the Board took into consideration Petitioner clean record during her two years and eleven months of active duty service.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new DD Form 214 and discharge certificate reflecting that, for the period ending 6 August 2004, Petitioner's characterization of service was "Honorable."

That no further correction action be taken on Petitioner's naval record.

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

4. It is certified that 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

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

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.

10/5/2023

