



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

█
Docket No. 7579-23

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, XXX-XX-█

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF 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

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 discharge characterization be upgraded to Honorable. Enclosure (2) applies.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 1 December 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, 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 review the application on its merits.

c. Petitioner enlisted in the Naval Reserves with a waiver for pre-service use of illegal drugs on 19 December 1981. On 9 February 1982, Petitioner began a period of active duty for training. On 17 June 1982, Petitioner was honorably discharged by reason of released from active duty training. On 5 February 1985, Petitioner tested positive for use of a controlled substance-marijuana. On 8 February 1985, Petitioner was notified of the initiation of administrative

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separation proceedings by reason of misconduct due to drug abuse, at which point, he decided to waive his procedural rights. On the same date, a substance abuse report indicated that Petitioner admitted the use of numerous different controlled substances with the intent to ensure he was administratively separated from the Navy. On 21 February 1985, the Petitioner's commanding officer recommended an Entry Level Separation (ELS) discharge characterization of service by reason of misconduct due to drug abuse. On 25 February 1985, the separation authority approved and ordered an ELS discharge characterization by reason of misconduct due to drug abuse. On 4 March 1985, Petitioner was so discharged.

d. Petitioner contends he served in the Seabees first in, last out and would have put his life on the line. Petitioner states he is a retired carpenter and is need of a discharge upgrade.

CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's request warrants partial relief. Specifically, the Board determined Petitioner's record contains an administrative error since he was discharged with an uncharacterized entry-level separation despite serving in the Navy Reserve more than three years. The Board determined this error requires correction in the issuance of a General (Under Honorable Conditions) characterization of service.

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 the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued an Administrative Remarks page indicating his discharge, for the period ending 4 March 1985, was characterization as "General (Under Honorable Conditions)."

That 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.

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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.

12/18/2023

