



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

█  
Docket No. 8287-23

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER J █  
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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), Petitioner filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting an adjustment to his character of service. Enclosure (2) applies.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 27 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, 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 Navy and began a period of active duty on 18 December 1996. After a period of continuous Honorable service, Petitioner reenlisted on 13 June 2001. On 10 February 2004, Petitioner received non-judicial punishment (NJP) for wrongful use of a controlled substance. Petitioner elected his right to a hearing of his case before an administrative discharge board (ADB). An administrative discharge board convened and recommended Petitioner's separation with an Other Than Honorable (OTH) character of service. Subsequently, the Petitioner was discharged, on 19 April 2004, with an OTH character of service by reason of misconduct due to drug abuse.

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d. Upon his discharge, Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) which erroneously fails to annotate his continuous period of Honorable period of service from 18 December 1996 to 12 June 2001.

e. Petitioner contends that he served honorably from 18 December 1996 to 17 June 2001 and his record is incorrect. For purposes of clemency and equity consideration, the Board noted Petitioner did not provide documentation describing post-service accomplishments or advocacy letters.

#### CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's record warrants partial relief. As noted previously, Petitioner's DD Form 214 does not indicate his continuous Honorable period of service from 18 December 1996 to 12 June 2001, and requires correction.

Regarding Petitioner's contention that he served Honorably through 17 June 2001, 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, his desire to change his record and previously discussed contention. After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board noted Petitioner reenlisted on 13 June 2001 and was subject to NJP during his last enlistment period that resulted in an OTH discharge for drug abuse. Therefore, the Board found that his period of continuous Honorable service only extended through the day prior to his reenlistment, i.e. 12 June 2001. Therefore, 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 he requested or granting the requested relief as a matter of clemency or equity.

#### RECOMMENDATION:

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

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) which indicates his continuous period of Honorable service from 18 December 1996 to 12 June 2001.

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.

11/18/2023

