



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

██████████
Docket No. 8955-23

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, ██████████,
USN, ██████████

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), requests annotation of his period of continuous Honorable service on his DD Form 214. Enclosure (2) applies.

2. The Board, consisting of ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 3 November 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 7 August 2002. After a period of continuous Honorable service, Petitioner reenlisted on 10 February 2006. On 7 May 2009, Petitioner received NJP for unauthorized absence (UA), and two specifications of missing ship's movement. As a result, he was notified of the initiation of administrative separation proceedings by reason of misconduct due to the commission of a serious offense. Petitioner waived his right to consult with counsel, and his right to a hearing of his case before an administrative discharge board (ADB). Subsequently, the separation authority approved and directed Petitioner's discharge with an Other Than Honorable (OTH) character of service by

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USN: [REDACTED]

reason of misconduct due to the commission of a serious offense. On 6 July 2007, Petitioner was so discharged.

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 Honorable period of service from 7 August 2002 to 9 February 2006. Petitioner argues that his record should reflect a period of continuous Honorable service from 7 August 2002 to 29 March 2006.

CONCLUSION:

Upon review and consideration of the evidence of record and reference (b), 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 7 August 2002 to 9 February 2006, and requires correction.

The Board found no evidence to support Petitioner's request to reflect a period of continuous Honorable service ending on 29 March 2006. 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.

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 7 August 2002 to 9 February 2006.

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.

11/27/2023

