



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

█
Docket No. 9225-23

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) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting her characterization of service be changed to General (Under Honorable Conditions) on her Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 20 November 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, and 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.

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 commenced active duty on 19 August 1992. She completed her third period of Honorable service on 27 December 2005 and immediately re-enlisted on 28 December 2005.

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

d. On 10 March 2007, Petitioner received NJP for wrongful use or possession of a controlled substance.

e. Unfortunately, the documents pertinent to Petitioner's administrative separation are not in her official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained on Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214), she was separated on 6 November 2007 with an "Other Than Honorable (OTH)" characterization of service, her narrative reason for separation is "Drug Abuse," her reentry code is "RE-4," and her separation code is "GKK," which corresponds to misconduct (drug abuse) - involuntary discharge, approved recommendation of a Board. Her DD Form 214 does not reflect her previous period of continuous Honorable service.

f. Petitioner takes responsibility for her actions and is not claiming error or injustice. Petitioner is requesting clemency and contends that her OTH discharge has caused hardship for her and her son, who suffers from diabetes, an upgrade to GEN would allow her to apply for better job opportunities and create a better life for her and her son, that it has been seventeen years since her discharge, and that she has learned very tough life lessons and is a single mother who is active in her church.

g. For purposes of clemency and equity consideration, Petitioner did not provide supporting documentation describing post-service accomplishments or advocacy letters.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. Specifically, the Board noted Petitioner's DD Form 214 does not include a statement regarding her prior period of continuous Honorable service from 19 August 1992 through 27 December 2005 and requires correction.

Notwithstanding the recommended corrective action below, the Board found no error or injustice in Petitioner's OTH characterization of service discharge for separation for misconduct due to drug abuse. 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 mentioned contentions raised in her application.

After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant granting the relief requested. Specifically, the Board determined that Petitioner's misconduct, as evidenced by her NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and fact that it involved a drug offense. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board also considered the likely negative impact the Petitioner's repeated misconduct had on the good order and discipline

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

of her command. 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 the requested relief as a matter of clemency or equity.

RECOMMENDATION

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

Petitioner shall be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 6 November 2007, to reflect the following comment added to the Block 18 Remarks section:

“CONTINUOUS HONORABLE SERVICE FROM 19AUG1992 TO 27DEC2005.”

That no further changes be made to Petitioner's record.

That 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.

12/6/2023

[REDACTED]