



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

█
Docket No. 10089-23
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

Encl: (1) DD Form 149
(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 correction to his narrative reason for separation on his Certificate of Release or Discharge from Active Duty (DD Form 214) to accurately reflect his basis for separation.

2. The Board, consisting of █, and █, reviewed Petitioner's allegations of error and injustice on 11 December 2023, and, pursuant to its regulations, determined that 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, and policies.

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 22 August 2018. On 24 January 2019, Petitioner received nonjudicial punishment (NJP) for two instances of assault and making a false official statement. On the same date, Petitioner was counseled concerning his misconduct and advised that failure to take corrective action could result in administrative separation. On 30 January 2020, Petitioner received a second NJP for assault consummated by battery. On the same date, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct and commission of a serious offense. Subsequently, Petitioner decided to waive his procedural rights. On 3 March 2020, Petitioner was administratively separated from the Navy with a General (Under Honorable

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USN, [REDACTED]

Conditions) discharge characterization by reason of misconduct due to commission of a serious offense. Upon his discharge, he was issued a DD Form 214 that erroneously lists his narrative reason for separation as "Misconduct (Drug Abuse)." His separation authority and separation code reflect he was discharged based on "Misconduct – Commission of a Serious Offense."

d. Petitioner contends box 28 of his DD Form 214 is incorrect. Petitioner claims he was separated for fighting another Sailor and not as a result of drug abuse. Petitioner states this was administrative mistake done by military personnel and he claims to have paperwork to prove it. Petitioner claims this administrative error is holding him back from enrolling in school and his and other aspects of his future career.

CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's request warrants relief. Specifically, as previously discussed, an administrative error exists with Petitioner's narrative reason for separation on his DD Form 214. The Board concluded Petitioner's DD Form 214 should state "Misconduct – Commission of a Serious Offense" as narrative reason for separation, which corresponds to separation authority "MILPERSMAN 1910-142."

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

RECOMMENDATION:

That Petitioner be issued a new DD Form 214 reflecting a correction to his narrative reason for separation as "Misconduct – Commission of a Serious Offense."

No further changes to Petitioner's record is required.

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.

1/12/2024

