



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

█  
Docket No. 24-24  
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) Title 10 U.S.C. §1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/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 for an upgrade of his characterization of service and reinstatement of his paygrade to E-3.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 14 February 2024 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, 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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 13 January 1982.

c. On 6 January 1983, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA), a period totaling 12 days and missing ship's movement. As punishment, Petitioner was adjudged 45 days restriction, 45 days extra duty, forfeiture of pay (suspended for a period of six months) and reduction in rank (RIR) to E-1.

d. On 10 January 1983, Petitioner was issued an administrative remarks (Page 13) retention warning counseling him concerning deficiencies in his performance and conduct. The Page 13

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expressly warned Petitioner that any further deficiencies in his performance and/or conduct may result in disciplinary action and administrative separation processing.

e. On 14 January 1983, Petitioner received a second NJP for larceny.

f. Consequently, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of misconduct due to minor disciplinary infractions. Petitioner was advised of and waived his procedural right to consult with military counsel, and to present his case to an administrative discharge board.

g. Petitioner's commanding officer directed Petitioner's administrative discharge from the Navy with a General (Under Honorable Conditions) (GEN) characterization of service by reason of misconduct. Prior to Petitioner's discharge, on 18 March 1983, Petitioner received a third NJP for UA. On 1 April 1983, Petitioner was so discharged.

h. Petitioner contends that he was young and foolish, grew up without any guidance, and made foolish mistakes that effected his time in the Navy.

i. For purposes of clemency and equity consideration, the Board noted Petitioner provided documentation describing post service accomplishments and 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 in the interests of justice.

Although not specifically requested, in keeping with the letter and spirit of reference (b), reviewing the record holistically, given the totality of the circumstances, and purely as a matter of clemency, the Board determined that describing Petitioner's current narrative reason for separation in this manner attaches a considerable negative and unnecessary stigma. Therefore, the Board concluded Petitioner's narrative reason for separation and separation code should be changed to Secretarial Authority.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned characterization of service, paygrade of E-1, and assigned reentry code remain appropriate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with reference (b). These included, but were not limited to, Petitioner's desire for a discharge upgrade and reinstatement of his paygrade to E-3, and the previously mentioned contentions raised by Petitioner in his application.

After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant grant the requested relief. In making this finding, the Board considered the seriousness of Petitioner's misconduct. The Board also considered the likely negative impact Petitioner's conduct had on the good order and discipline of his command. Further, the Board found that Petitioner's misconduct was intentional and made him unsuitable for continued naval

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[REDACTED], USN, XXX-XX [REDACTED]

service. Furthermore, the Board also determined that the evidence of record did not demonstrate that he was not responsible for his conduct or that he should otherwise not be held accountable for his actions. The Board noted that Petitioner was provided an opportunity to correct his conduct deficiencies during his service; however, he continued to commit additional misconduct. As a result, the Board concluded significant negative aspects of Petitioner's active-duty service outweighs the positive aspects and continues to warrant a GEN characterization. Additionally, regarding Petitioner's request for reinstatement of his paygrade to E-3, the Board discerned no impropriety or inequity in Petitioner's paygrade at the time of his discharge. Finally, based on Petitioner's unsuitability for further military service, the Board determined his assigned reentry code remains appropriate. Therefore, even in light of reference (b) 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. Ultimately, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

#### RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

Petitioner shall be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty reflecting that, for the period ending 1 April 1983, Petitioner's narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," and the separation authority was "MILPERSMAN 1910-164."

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

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that 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 Regulations, 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.

3/1/2024

[REDACTED]