



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

[REDACTED]
Docket No: 8667-16
DEC 20 2017

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
USN, [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 (NR20160008667)
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner, a former fireman in the Navy, filed enclosure (1) with this Board requesting correction to her Certificate of Separation or Discharge from Active Duty (DD Form 214), to include an upgrade to her characterization of service from other than honorable to honorable. Enclosure (2).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 October 2017, 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 her naval 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, the Board determined that 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 4 November 1986. Petitioner received one nonjudicial punishment (NJP) during her first enlistment. On 29 January 1988, Petitioner was found guilty at NJP of two specifications of violating a lawful order from a superior petty officer. Petitioner completed her first enlistment honorably, and immediately reenlisted in the Navy on 31 October 1990.

d. Petitioner completed her second enlistment on 18 November 1993, in the pay grade of second class petty officer with a final performance average of 3.90. She immediately reenlisted on 19 November 1993, for a third enlistment.

e. During her third enlistment, on 8 March 1997, Petitioner received a second NJP for assault consummated by battery and was awarded reduction in rank to the pay grade of third class petty officer (E-3). Petitioner states that she was at a night club in [REDACTED] when a Sailor who was recently released from restriction kept bumping into her. She states she pushed and kicked him and received an NJP for her actions.

f. In her application for correction, Petitioner states she was depressed after the NJP and tried to overdose on pain medication that was issued to her by the ship's doctor. She states that she received an NJP for the overdose itself and for being absent without authorization the morning of the overdose. Her service record does not have administrative documents with the details of the third NJP, but it does contain an administrative entry made on 7 April 1997, that indicates that Petitioner received NJP on 2 April 1997.

g. Petitioner was discharged from the Navy on 2 October 1997, with an other than honorable characterization of service on the basis of a pattern of misconduct. Petitioner's administrative discharge paperwork is not in her available service record.

h. Petitioner is seeking an upgrade to her other than honorable characterization of service and asked the Board to consider that her first 10 and a half years of service were honorable, despite her 6 months of trouble at the end of her military career. Petitioner states that she seeks an honorable characterization of service so that she may qualify for medical treatment for service-connected injuries.

i. The Board noted that pursuant to current Navy practice, Petitioner did not receive a DD Form 214 at the end of either her first or second enlistment. Her sole DD Form 214 covers all three enlistments.

j. The Board, in its review of Petitioner's entire record and application, carefully weighed all evidence of the available record and considered the information provided by Petitioner in support of her application. When making its determination, the Board noted that absence of the administrative separation package from Petitioner's record, but found that given that Petitioner received an NJP for assault consummated by battery in March 1997, and that she received a third NJP in April 1997, that the other than honorable characterization of service was warranted.

k. The Board determined that Petitioner's DD Form 214 does not reflect an error, but that the exclusion of information about her honorable service for her first two enlistments is unjust and merits corrective action to reflect her completion of two honorable enlistments.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of Petitioner's honorable completion of her first two enlistments, the Board concludes that Petitioner's request warrants partial relief. The Board concludes that her DD Form 214 should be supplemented with a DD 215 that reflects the completion of two periods of honorable active duty service from 4 November 1986 through 30 October 1990, and from 31 October 1990 through 18 November 1993.

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

RECOMMENDATION:

That Petitioner's naval record be corrected to show that she completed two periods of honorable active duty service from 4 November 1986 through 30 October 1990, and from 31 October 1990 through 18 November 1993.

That Petitioner shall be issued a DD Form 215, Certificate of Release or Discharge from Active Duty.

That no further changes be made to the record.

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

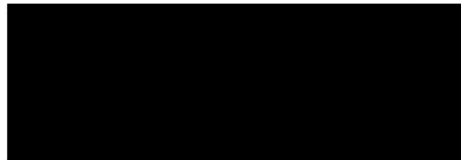
That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 8 September 2016.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.



Recorder

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.



Executive Director