



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

[REDACTED]  
Docket No: 5568-17

DEC 28 2017

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

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

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149  
(2) Field Code 17 Doc ID 23549916 (Detachment for Cause (DFC)/Report of Misconduct)  
(3) Field Code 17 Doc ID 23549915 (Findings and Recommendations of the Board of Inquiry (BOI))  
(4) Field Code 17 Doc ID 23549914 (Status in the U.S. Navy)

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer of the Navy, filed enclosure (1) with this Board requesting that his naval record be corrected by removing the Field Code 17 (enclosures 2 through 4) from his Official Military Personnel File (OMPF). Enclosures (1) through (4) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 11 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 the Petitioner's 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. Petitioner contends that he was found innocent of all misconduct during his BOI, negating the sole reason for the DFC.

c. Enclosure (2) reports that, per command policy the Petitioner was required to take a urinalysis exam upon checking into the command. Subsequently, the Petitioner's urinalysis tested positive for a controlled substance. As a result of the foregoing, the Commanding Officer recommended that the Petitioner be detached for cause.

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[REDACTED]

d. Enclosure (3) reports that, a BOI found by a vote of 3 to 0 that the evidence presented did not substantiate a basis for separation for cause.

e. Enclosure (4) reports that, Commander, Navy Personnel Command advised the Petitioner that the BOI determination does not in any way preclude or limit the use of the information and opinions contained in enclosure (2) in future administrative or other proceedings.

MAJORITY CONCLUSION:

Upon review and consideration of all the evidence of record, a majority of the Board, consisting of [REDACTED] and [REDACTED] concluded that the DFC was warranted at the time, but the BOI found that the evidence did not substantiate a basis for separation. In this regard, the majority concludes that it would be an injustice to have enclosures 2 through 4 remain in the Petitioner's OMPF.

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

MAJORITY RECOMMENDATION:

That the Petitioner's naval record be corrected by removing enclosures (2) through (4) from the Petitioner's OMPF.

That no further relief be granted.

MINORITY CONCLUSION:

[REDACTED] disagrees with the majority and concludes that the Petitioner did commit misconduct due to a positive urinalysis for a controlled substance and that the DFC was warranted.

Petitioner's request does not warrant favorable action.

In view of the above, the minority finds no error or injustice warranting corrective action.

MINORITY RECOMMENDATION:

That Petitioner's request be denied.

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.

[REDACTED]  
Recorder

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[REDACTED]

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.

[REDACTED]  
Executive Director