



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

█  
Docket No. 1307-24  
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) 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), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to upgrade his characterization of service and change his narrative reason for separation, separation code, and reentry code in light of current guidelines as reflected in reference (b). Enclosures (2) and (3) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 6 May 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.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. On 23 November 1987, Petitioner enlisted in the United States Navy. From 23 November 1987 to 20 February 1992, Petitioner completed a period of Honorable service.

d. Petitioner immediately reenlisted and began a second period of service on 21 February 1992.

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e. On 28 March 1995, Petitioner was found guilty at NJP for violating UCMJ Article 91 and Article 134. No further information regarding this NJP is contained in the record.

f. On 26 June 1995, Petitioner was found guilty at his third NJP for violating UCMJ Article 112(a), for the wrongful use of a controlled substance (marijuana). Petitioner did not appeal this NJP.

g. On 26 January 1996, Petitioner was discharged from the Navy with an Other than Honorable (OTH) characterization of service by reason of misconduct due to drug abuse and assigned an RE-4 reentry code. His period of continuous Honorable service from 23 November 1983 to 20 February 1992 was not documented on his DD Form 214.

h. Petitioner contends that he was struggling at the time of his service due to family issues, and the stress led him to make an out of character decision to use marijuana in an effort to control the stress. He takes responsibility for his actions, regrets his mistake, and requests clemency. For purposes of clemency and equity consideration, the Board noted Petitioner provided documentation pertaining to post-service accomplishments and numerous character letters.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request merits partial relief.

Specifically, as previously discussed, the Board determined that Petitioner's DD Form 214 does not document his period of continuous Honorable service from 23 November 1987 to 20 February 1992. Applicable regulations authorize the language "Continuous Honorable Active Service" in Block 18 (Remarks) of the DD Form 214, when a service member has previously reenlisted without being issued a DD Form 214, and was separated with a discharge characterization except "Honorable," as is the case at present. In this regard, the Board determined Petitioner's naval record shall be corrected to reflect his continuous Honorable active service for the above referenced period.

In regard to Petitioner's request for an upgrade of his characterization of service and change to his basis for separation, 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, his desire for a discharge upgrade, change to his record to reflect a Secretarial Authority discharge, and his previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his second enlistment NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of his misconduct and the fact it included 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. Further, the Board concluded that Petitioner's misconduct showed

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a complete disregard for military authority and regulations. Additionally, the Board also considered the likely negative impact his conduct had on the good order and discipline of his 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. While the Board carefully considered the evidence he submitted in mitigation and commends him for his post-discharge accomplishments, 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 he requested or granting the requested relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting 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 26 January 1996, correcting the Remarks Section, Block 18, by annotating his Continuous Honorable Active Service from 23 November 1987 to 20 February 1992.

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 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.

5/24/2024

