



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

██████████
Docket No. 2010-24
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

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

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 her reentry code be changed. Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 8 March 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. Petitioner enlisted in the Navy and began a period of active duty on 27 February 2013. In July 2014, her enlisted Evaluation Report & Counseling Record reflected a trait average of 3.33 with positive comments on her performance and conduct.

c. On 9 December 2014, Petitioner was subject to nonjudicial punishment (NJP) for two specifications of violating Article 92 of the Uniform Code of Military Justice (UCMJ). Specifically, Petitioner failed to obey a lawful order by driving aboard the installation with revoked driving privileges and failed to complete her Family Care Certificate as ordered. In addition to 30 days restriction and extra duty, Petitioner was issued administrative counseling warning her that continued misconduct could result in her administrative separation.

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d. Following this NJP and counseling, Petitioner made a false statement regarding having purchased an airline ticket for her dependent, which she had not, in fact, purchased. Consequently, on 5 January 2015, she was notified of processing for administrative separation by reason of misconduct due to “commission of a serious offense – orders violation.” Because her command elected to use notification procedure, Petitioner’s least favorable potential characterization of service was General (Under Honorable Conditions) (GEN) and she was not entitled to request a hearing before an administrative separation board. She elected not to make a statement and did not consult legal counsel.

e. In the recommendation for her characterization of service as GEN, her commanding officer noted that she was “unsuitable for further naval service, however, her conduct has not warranted” an Other Than Honorable characterization of service. Her final enlisted Evaluation & Counseling Report also noted that she had failed to live up to the Navy’s core values.

f. Petitioner was discharged, on 19 January 2015, with a final trait average of 2.83, sufficient to have otherwise qualified for an “Honorable” characterization if not for her misconduct discharge. At the time of her discharge, she was assigned a reentry code of “RE-4” and her narrative reason for separation was erroneously identified as “Pattern of Misconduct (Commission of a Serious Offense)” rather than her notified basis solely of commission of a serious offense.

g. Petitioner has previously applied to the Board twice seeking a change to her reentry code on the basis of clemency. In her initial application, considered on 21 December 2021, she contended that she had rehabilitated the conditions which had resulted in her separation. At that time, she was granted partial relief with respect to a correction of the erroneous narrative reason for separation in her discharge record, because the basis for her discharge was solely commission of serious offense and not a pattern of misconduct, which the Board determined to be a prejudicial error. Petitioner’s request for reconsideration was considered on 30 March 2022 on the basis of similar clemency contentions with additional supporting documents to reflect that she had pursued state licensing as a pharmacy technician and desired to upgrade her reentry code so that she could seek to reenlist in the U.S. Army. This request was denied.

h. Again seeking reconsideration of clemency on the basis of post-discharge character and accomplishments, Petitioner reiterates her contentions, to include her desire to continue serving, and provided additional supporting documentation to include her associates degree, which she attained in December of 2022, and the results of her Pharmacy Technician Certification Examination, which she passed in February of 2024.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner’s request warrants favorable action in the form of relief. The Board reviewed her application under the guidance provided in reference (b) intended to be covered by this policy.

The Board noted Petitioner’s misconduct and does not condone it; however, the Board observed that Petitioner has committed her life toward serving her community by advancing her education

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[REDACTED], USN

and pursuing certification and licensing in a public service health field. She expresses her desire to continue serving and asserts that she has remedied the circumstances which resulted in her failure to comply with orders. The Board found that the favorable factors Petitioner submitted for consideration of clemency based on her post-service character outweighed the misconduct evidenced by her single NJP. Accordingly, the Board determined that it is in the interest of justice to grant the requested relief with respect to her reentry code as well as additional relief in the correction of her narrative reason for separation to Secretarial Authority, consistent with the change to her reentry code.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 19 January 2015, indicating that she was discharged under the authority of "MILPERSMAN 1900-164," with a narrative reason for separation of "Secretarial Authority," separation code of "JFF," and a reentry code of "RE-1."

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

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.

3/28/2024

