



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

██████████  
Docket No. 3560-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, USN,  
██████████

Ref: (a) 10 U.S.C. §1552  
(b) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 with 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 that his discharge be upgraded.

2. The Board, consisting of ██████████ and ██████████, reviewed Petitioner's allegations of error and injustice on 17 April 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, and 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 review the application on its merits.

c. After period of Honorable service that commenced on 6 February 1990, Petitioner immediately reenlisted in the Navy on 5 February 1993. Petitioner then served honorably and completed his obligated active service on 5 February 1996. He was issued a DD Form 214 for his second period of active duty but not for first enlistment period. Based on his record, Petitioner subsequently reenlisted in the Navy on 25 November 1997 and served a period of time before being administratively processed for commission of a serious offense.

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[REDACTED]

d. Unfortunately, the documents pertinent to Petitioner's administrative separation are not in his official military personnel file (OMPF). His second Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that he was separated from the Navy on 28 March 2006 with a General (Under Honorable Conditions) (GEN) characterization of service, his narrative reason for separation is "Misconduct Serious Offense," his separation code is "GKQ," and his reenlistment code is "RE-4."

e. Petitioner states that many years has passed since his discharge, he would like to purchase a firearm, he is a tax-paying citizen, he works within the community, and maintains a full time job. For purposes of clemency and equity consideration, the Board noted Petitioner did not provide supporting documentation describing post-service accomplishments or advocacy letters.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded Petitioner's request merits partial relief. As discussed, the Board noted that Petitioner's first enlistment period was not documented by a DD Form 214. Thus, the Board concluded that an administrative change to Petitioner's DD Form 214 should be made to show his first Honorable period of service not previously covered by his DD Form 214s.

Regarding Petitioner's request to upgrade his characterization of service, 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 to upgrade his 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 Petitioner's misconduct as evidenced by his discharge for commission of a serious offense, outweighed the potential mitigating factors. In making this finding, the Board considered the likely seriousness of Petitioner's misconduct and the possible negative impact his conduct had on the good order and discipline of his command. Additionally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing one's ability to purchase a firearm. Ultimately, the Board determined the presumption of regularity applies in Petitioner's case and he provided no evidence to over the presumption.

As a result, the Board concluded negative aspects of Petitioner's service outweigh the positive aspects and continues to warrant a GEN characterization. While the Board carefully considered Petitioner's assertion of good post-discharge character, 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.

#### RECOMMENDATION:

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

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[REDACTED]

That Petitioner be issued a "Correction to DD Form 214, Certificate of Release or Discharge from Active Duty" (DD Form 215) for the period ending 5 February 1996, to reflect the following comment added to the Block 18 Remarks section:

"CONTINUOUS HONORABLE SERVICE FROM 6 FEB1990 TO 5FEB1993."

Following the corrections to the DD Form 214 for the period ending 5 February 1996, that all other information as previously listed on such DD Form 214 remain the same.

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.

5/2/2024

