



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

██████████  
Docket No. 5895-24

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 with attachments  
(2) Case summary  
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting his characterization of discharge be upgraded to Honorable. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 24 July 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. Petitioner enlisted in the Navy and began a period of active service on 26 September 1977.

d. On 16 January 1980, Petitioner commenced a period of unauthorized absence (UA) that ended with his surrender on 6 April 1981.

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[REDACTED]

e. Thereafter, Petitioner submitted a request for separation with an Other Than Honorable (OTH) characterization of service for the good of the service. On 11 May 1988, Petitioner's request was favorably endorsed by the Head of the Military Personnel Department. The endorsement stated, Petitioner's "past performance as a member of US Navy [was] outstanding, his report of enlisted performance evaluations [were] 4.0 and 3.8, truly a model Sailor. [He] went UA to care for his daughter after her mother walked out on them. [He] did the correct thing by requesting leave to get his daughter set up with someone so he could deploy with the ship... This request was disapproved because the ship was preparing for deployment. I strongly believe if [he] was granted leave his UA would never have happened. [He] will be a real loss to the military, but due to his situation (with his daughter) I recommend approval of his request." On 14 May 1981, Petitioner's Commanding Officer approved his request and, on 29 May 1981, he was discharged.

f. The Naval Discharge Review Board review Petitioner's case on 30 September 1983 and denied relief after determining his discharge was appropriate as issued.

g. Petitioner previously applied to this Board for a discharge upgrade. On 22 May 2015, he was denied relief after the application of statute of limitations.

h. Petitioner contends his contributions and value during service, in addition to the circumstances leading to his departure from the Navy, warrant an upgrade. For the purpose of clemency and equity consideration, he provided his Counsel's brief, a copy of his DD Form 214, a summary of service, a performance evaluation, a Bricklayer's Certification, and letters of support from his pastor and from the Bricklayer's Union.

## CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. The Board reviewed Petitioner's application under the guidance provided in reference (b).

The Board found no error in Petitioner's OTH characterization of service discharge for separation for unauthorized absence. The Board noted Petitioner's lengthy period of UA and does not condone his misconduct, which resulted in his OTH characterization of service. However, the Board considered the totality of the circumstances to determine whether relief is warranted in the interests of justice in accordance with reference (b). After reviewing the record holistically, and given the totality of the circumstances, purely as a matter of clemency, the Board concluded Petitioner's discharge characterization should be changed to "General (Under Honorable Conditions)." In making this determination, the Board considered the evidence Petitioner submitted that documented his post-discharge good character and successful employment. Further, the Board took into consideration Petitioner's otherwise clean record during his active duty service and the positive comments from his chain of command.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other

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[REDACTED]

characterization of service would be clearly inappropriate. The Board concluded by opining that the significant length of Petitioner's UA, exceeding a year, outweighed the positive aspects of his military record, and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate. Further, the Board determined Petitioner's narrative reason for separation, separation code, and reentry code remain appropriate based on his misconduct. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

#### RECOMMENDATION

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

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty DD (Form 214), for the period ending 29 May 1981, indicating his character of service as "General (Under Honorable Conditions)."

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

That no further changes be made to Petitioner's 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.

8/27/2024

