



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

██████████
Docket No. 6233-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
██████████

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 period of continuous Honorable Service be added to his Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 17 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. After a period of Honorable service that commenced on 23 August 1994, Petitioner reenlisted in the Navy on 21 May 1997.

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d. On 26 March 1998, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA) totaling two days and driving while intoxicated. On 6 January 1999, Petitioner was formerly counseled on being UA while his co-workers were performing duty. On 14 January 1999 and 21 July 1999, Petitioner received NJP for three specifications of UA. On 26 August 1999, petitioner received an additional NJP for UA and missing ship's movement. On 14 October 1999, a summary court-martial (SCM) convicted Petitioner of UA totaling 50 days.

e. Unfortunately, some documents pertinent to Petitioner's administrative separation are in his official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that he was separated from the Navy on 10 November 1999 with an Other Than Honorable (OTH) characterization of service, his narrative reason for separation is "Misconduct (Commission of a Serious Offense)," his separation code is "HKD," and his reenlistment code is "RE-4."

e. At the time of his discharge, Petitioner received a DD Form 214 that did not document his period of continuous Honorable service from 23 August 1994 to 20 May 1997.

f. Petitioner contends that he received a letter from the Department of Veterans Affairs stating that his period of service from 23 August 1994 to 20 May 1997 was Other Than Honorable.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded Petitioner's request merits relief. As discussed, the Board noted that Petitioner's DD Form 214 does not document his previous period of continuous Honorable service and requires correction.

Notwithstanding the recommended corrective action below, the Board found Petitioner's basis for discharge and assigned characterization of service to be supported by his record of misconduct.

RECOMMENDATION:

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

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 10 November 1999, to reflect the following comment added to the Block 18 Remarks section:

"CONTINUOUS HONORABLE SERVICE FROM 23AUG94 TO 20MAY97."

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XXX-XX [REDACTED]

Following the corrections to the DD Form 214 for the period ending 10 November 1999, 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.

8/2/2024

[REDACTED]