



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

██████████
Docket No. 6323-24

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, ██████████,
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), Petitioner, a former member of the Navy, filed enclosure (1) requesting his characterization of service be upgraded to Honorable and his narrative reason for separation be changed to "Secretarial Authority." Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 5 August 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 references (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 30 July 1981.

d. On 25 November 1981, Petitioner commenced a period of unauthorized absence (UA) that ended with his surrender on 11 January 1982.

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e. On 13 January 1982, Petitioner commenced a second period of UA that ended with his surrender on 18 July 1983.

f. On 15 April 1983, Petitioner was charged with two specifications of UA and two specification of orders violations.

g. On 7 September 1983, Petitioner requested an Other Than Honorable Conditions (OTH) discharge in lieu of trial by court-martial. He provided a written statement in support of his request.

h. On 17 October 1983, Petitioner's Commanding Officer favorably endorsed his request for separation. However, on this same date, Petitioner commenced a third period of UA.

i. On 18 May 1987, Petitioner was apprehended by civilian authorities and was returned to military control on 19 May 1987.

j. Unfortunately, the documents pertinent to Petitioner's administrative separation are not 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 14 August 1987 with an Other Than Honorable (OTH) characterization of service, his narrative reason for separation is "Separation in Lieu of Trial by Court Martial," his separation code is "KFS," and your reenlistment code is "RE-4."

k. Petitioner contends he is truly apologetic for his actions, he was filled with anxiety at the thought of being on a ship at sea which caused him to go UA, he holds no animosity toward the Navy, he enjoyed his interactions with other Sailors, and he has been a good citizen since discharge. For the purpose of clemency and equity consideration, he provided his Counsel's Brief, a personal statement, copies of service record documents, Petitioner's resume, Petitioner's Certificate of Graduation from [REDACTED], his Certificate of Ordination from the [REDACTED], and seven advocacy letters.

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 misconduct due to multiple and lengthy unauthorized absences. The Board noted Petitioner's disciplinary infractions 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 and purely as a matter of clemency, the Board concluded Petitioner's discharge

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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 the limited periods of time during which he was not UA.

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 characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of the Petitioner's conduct and/or performance 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 record of misconduct. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION

That Petitioner be issued a Certificate of Release from Active Duty (DD Form 214), for the period ending 14 August 1987, indicating his character of service as "General (Under Honorable Conditions)."

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 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.

8/28/2024

