



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

██████████  
Docket No. 6514-24  
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER ██████████, USN,  
XXX-XX-██████████

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 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a change to his naval record, specifically, to upgrade his characterization of service to Honorable. Enclosures (1) through (3) 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, 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 waive the statute limitation and review the application on its merits.

c. Petitioner enlisted in the Navy on 22 November 1999. On 2 January 2003, Petitioner received non-judicial punishment (NJP) for wrongful use of marijuana. Subsequently, he was notified of pending administrative separation action by reason of misconduct due to drug abuse. After electing to waive his rights, Petitioner's commanding officer (CO) forwarded his package

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,  
XXX-XX-[REDACTED]

to the separation authority (SA) recommending his discharge by reason of misconduct due to drug abuse with an Other Than Honorable (OTH) characterization of service. The SA approved the CO's recommendation, and on 17 January 2003, he was discharged.

d. Petitioner previously applied to this Board for a discharge upgrade but was denied on 17 April 2024. At that time, Petitioner failed to provide any mitigation evidence in support of his application.

e. Petitioner contends he was a model Sailor prior to his discharge, he made a mistake and self-medicated, and he has been successfully working in the trucking industry for 20 years. For purposes of clemency and equity consideration, Petitioner provided multiple advocacy letters describing post-service accomplishments and good character.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request merits partial relief. Specifically, in light of reference (b), after reviewing the record holistically, given the totality of the circumstances, and purely as a matter of clemency, the Board concluded Petitioner's discharge characterization should be upgraded to General (Under Honorable Conditions). The Board notes Petitioner's disciplinary infraction and does not condone his misconduct. However, the Board considered Petitioner's post-discharge accomplishments and his contributions to society. As a result, the Board concluded, it was appropriate to change Petitioner's characterization of service to General (Under Honorable Conditions).

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 Sailor'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 concluded Petitioner's Narrative Reason for Separation, SPD code, reentry code, and Separation Authority remain appropriate based on his record of misconduct and unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's case is adequately addressed with the recommended corrective action.

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

#### RECOMMENDATION:

That Petitioner be issued a new DD Form 214, for the period ending 17 January 2003, indicating that his characterization of service was "General (Under Honorable Conditions)."

That no further changes be made to the record.

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,  
XXX-XX-[REDACTED]

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.

8/13/2024

