



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

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Docket No. 6786-24

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ■■■■■■■■■■,
USNR, ■■■■■■■■■■

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 Reserve, filed enclosure (1) requesting an upgrade to his characterization of service on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.
2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■, reviewed Petitioner's allegations of error and injustice on 9 September 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. Because Petitioner's application was submitted with new documentation not previously considered, the Board found it in the interest of justice to review Petitioner's application.
 - c. Petitioner enlisted in the Navy Reserve and began a period of active service on 22 April 1987.
 - d. On 18 June 1988, Petitioner received non-judicial punishment (NJP) for four days of unauthorized absence (UA). The same day, he was issued an administrative remarks (Page 13) counseling concerning deficiencies in his performance and/or conduct. He was advised that any

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USNR, [REDACTED]

further deficiencies in his performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 9 December 1988, Petitioner commenced a period of UA that ended in his surrender on 5 January 1989. On 13 January 1989, Petitioner received NJP for that period of UA. The same day, Petitioner received Page 13 counseling and was again advised that any further deficiencies in his performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

e. On 27 January 1989, Petitioner received NJP for failure to obey a lawful order. The same day, he was notified of administrative separation processing by reason of misconduct due to pattern of misconduct with a least favorable characterization of under Other Than Honorable (OTH) conditions. He waived his rights to consult with counsel, submit a statement, or have his case heard by an administrative discharge board. Petitioner's commanding officer recommended an OTH discharge by reason of pattern of misconduct and the separation authority approved the recommendation. On 17 February 1989, he was so discharged.

f. Petitioner previously applied to this Board for an upgrade to his characterization of service where he contended that he was a good Sailor but needed a hardship discharge, three uncles and grandfather passed away between Oct 1987 and May 1988, and his girlfriend was pregnant. The Board denied his request on 26 June 2019.

g. Petitioner contends that "due to hardship, [he] was let out of the military with an OTH," that he requested a hardship discharge but was denied, and that family concerns, including the deaths of four family members and his girlfriend's father pressuring her to have an abortion, mitigated his misconduct. Petitioner provided new documentation in the form of three advocacy letters, professional certificates, and proof of college attendance/Dean's Honor List.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants relief.

The Board found no error in Petitioner's OTH characterization of service discharge for separation for misconduct due to pattern of misconduct. However, the Board reviewed Petitioner's application under the guidance provided in reference (b) and considered the totality of the circumstances to determine whether relief is warranted in the interests of justice. 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 changed to "General (Under Honorable Conditions)." Further, based on the same rationale, the Board determined Petitioner's narrative reason for separation and separation code should be changed to reflect secretarial authority. In making this determination, the Board considered the evidence Petitioner submitted that documented his post-discharge good character, educational accomplishments, and successful employment for the past fourteen years.

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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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 and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate. Additionally, the Board also determined that Petitioner's assigned reentry code remains appropriate in light of his unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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

RECOMMENDATION

That Petitioner be issued a new DD Form 214, for the period ending 17 February 1989, indicating his character of service as "General (Under Honorable Conditions)," separation authority as "MILPERSMAN 3630900," separation code as "JFF," and narrative reason for separation as "Secretary Plenary Authority."

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.

9/27/2024

