



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

██████████  
Docket No. 7376-24  
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552  
(b) USECDEF Memo of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with the Board for Corrections of Naval Records (Board), requesting that his naval record be corrected to upgrade his characterization of service to Honorable and change his narrative reason for separation.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 27 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. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to review the application on its merits.

c. The Petitioner enlisted in the U.S. Navy and began a period of active service on 7 November 1995. Petitioner's pre-enlistment physical, on 28 April 1995, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms. On 27 July 1996, Petitioner reported for duty on board the ██████████ in ██████████.

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d. On 7 March 1997, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA). Petitioner did not appeal his NJP.

e. On 5 May 1997, Petitioner commenced a period of UA. On 5 June 1997, Petitioner's command declared him to be a deserter. Petitioner's UA terminated on 17 June 1997.

f. On 28 June 1997, Petitioner commenced another UA. Petitioner's UA terminated on 1 July 1997.

g. On 2 August 1997, Petitioner was convicted at a Summary Court-Martial (SCM) for his two (2) separate periods of UA and two (2) separate specifications of missing ship's movement while in a UA status. Petitioner was sentenced to a reduction in rank to the lowest enlisted paygrade (E-1), and confinement for fifteen (15) days. On 11 August 1997, the Convening Authority approved the SCM sentence.

h. Following his SCM conviction, Petitioner was notified of administrative separation proceedings by reason of misconduct due the commission of a serious offense. Ultimately, on 16 December 1997, the Petitioner was discharged from the Navy for misconduct with an under Other Than Honorable conditions (OTH) characterization of service and assigned an RE-4 reentry code.

i. Petitioner requested clemency in the form of a discharge upgrade, in part, to reclaim his good name so he is no longer prejudiced by his OTH discharge. In short, Petitioner contended, inter alia, he has been punished enough for his misconduct as a young Sailor and should no longer be unjustly burdened by his OTH discharge from the Navy.

#### CONCLUSION:

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

The Board initially determined that Petitioner's administrative separation with an OTH characterization was legally and factually sufficient, and in accordance with all Department of the Navy directives and policy at the time of his discharge.

Notwithstanding, in keeping with the letter and spirit of the Wilkie Memo, while not necessarily excusing or condoning the Petitioner's serious misconduct, the Board concluded that no useful purpose is served by continuing to characterize the Petitioner's service as having been under OTH conditions, and that a discharge upgrade to "General (Under Honorable Conditions)" (GEN), strictly on extraordinary clemency and leniency grounds, is appropriate at this time. Based on the same rationale, the Board also concluded that it was in the interests of justice to change Petitioner's reason for separation to "Secretarial Authority."

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 record and that a GEN discharge characterization and no higher was appropriate. The Board noted that the simple fact remained that Petitioner willfully and intentionally left Navy while he was still contractually obligated to serve and he went into a UA status on two (2) separation occasions without any legal justification or excuse for a total of approximately forty-six (46) days. Additionally, in light of the Wilkie Memo, the Board still similarly concluded after reviewing the record holistically, and given the totality of the circumstances and purely as a matter of clemency and leniency, that the Petitioner only merits a GEN characterization of service and no higher.

Additionally, the Board did not find a material error or injustice with the Petitioner's original RE-4 reentry code. The Board concluded the Petitioner was assigned the correct reentry code based on the totality of his circumstances, and that such notation was proper and in compliance with Department of the Navy directives and policy at the time of his discharge. Ultimately, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

#### RECOMMENDATION:

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

That Petitioner shall be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty, for the period ending 16 December 1997, indicating his character of service was "General (Under Honorable Conditions)," the separation authority was "MILPERSMAN 1910-164," the separation code was "JFF," and the narrative reason for separation was "Secretarial Authority."

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.

10/4/2024

[REDACTED]

Executive Director

Signed by: [REDACTED]