



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

██████████
Docket No. 7863-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████,
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

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 her discharge be change to Honorable, her separation reason and separation code be changed to "Secretarial Authority," her reenlistment eligibility (RE) code be changed to RE-1, her paygrade be corrected to E-3, her rate changed to AEAN, total active service be accurately reflected, and her decorations and medals, continuous honorable service, and appellate leave information be corrected to reflect her complete and accurate record of service.

2. The Board consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 7 April 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. 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 Petitioner did not file her application in a timely manner, the statute of limitations was waived in the interests of justice.

c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 29 May 1979.

d. Petitioner subsequently executed multiple reenlistments; the most recent of which occurred on 20 January 1995.

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e. On 31 August 1998, Petitioner was convicted by a special court-martial (SPCM) of violations of Article 86 and Article 112a of the Uniform Code of Military Justice (UCMJ)¹. Petitioner was sentenced to confinement to 60 days, reduction in rank to E-3, and a Bad Conduct Discharge (BCD). However, the convening authority modified this sentence, suspending any confinement in excess of 45 days for one year.

f. The Petitioner was in an appellate leave status from 23 April 1999 to 25 October 2004.

g. Petitioner's BCD was ultimately ordered executed and she was so discharged on 26 October 2004. Petitioner's record indicates she was issued two DD Forms 214 that appear to erroneously document her time in service and paygrade. Additionally, the forms do not annotate her period of continuous Honorable service from 29 May 1979 to 19 January 1995.

h. Petitioner contends: (1) she has lived an honorable life as an upstanding citizen since her discharge, (2) she made a terrible error that did not cause harm to others, and that alone led to her BCD, (3) it is an injustice that she carry this discharge after 19 years of otherwise Honorable service, (4) because her OIC was limited in his scope of disciplinary actions she was not offered the chance to go to an administrative board, (5) when she dies, she wants to be buried in a veterans' cemetery, (6) she was a single mother who did not socialize and did not have many friends. She let her guard down and allowed new 'friends' to convince her to try methamphetamines, (7) the convening authority approved the sentence only and not the BCD, (8) a small mistake should not define almost two decades of Honorable, faithful service. For the purpose of clemency and equity consideration, Petitioner submitted a personal statement, official military personnel file documents, certificates of appreciation, character letters, and a court of criminal appeals case.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, as discussed previously, the Board found two DD Forms 214 that requires administrative corrections to properly document Petitioner service.

Notwithstanding the recommended corrective action below, the Board found no additional error or injustice to merit any additional corrections. The Board carefully considered all potentially mitigating factors to determined whether the interests of justice warrant relief in Petitioner's case in accordance with reference (b). These included, but were not limited to, Petitioner's previously discussed requests and contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that her misconduct, as evidenced by her SPCM, outweighed any mitigating factors presented. In making this finding, the Board considered the seriousness of her misconduct and the fact that it involved a drug offense. The Board determined that illegal drug use by a service member is contrary to military core values

¹ Although specific details regarding the charges are not in her official military personnel file, the Petitioner acknowledged the use of methamphetamine in a statement submitted with her application.

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and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. Additionally, the Board noted that, at the time of her special court-martial conviction for UA and a drug offense, she held the rank of E-6; a position that carries increased responsibility and leadership expectations. Service members in leadership roles are held to the highest standards of conduct, as they are expected to lead by example and uphold the core values of the Navy. Given her position of authority and trust, the Board found her actions particularly concerning, as they represented a serious breach of ethical and professional standards and undermined confidence in leadership and the integrity of the service. This breach of trust was a significant factor in the Board's deliberations and conclusions. Further, 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 clearly be inappropriate. The Board concluded by opining that certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of her military record and that her discharge was appropriate. Therefore, the Board concluded that Petitioner's discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects her conduct during her period of service. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

RECOMMENDATION:

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

Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) for the period ending 25 October 2004, indicating that she commenced active duty on 29 May 1979, discharged on 25 October 2004, as an E-3/AEAN, with "Continuous Honorable Service from 23 February 1987 to 19 January 1995," and "Appellate Leave from 23 April 1999 to 25 October 2004."

Additionally, Navy Personnel Command (NPC) shall conduct a comprehensive review to determine any eligible schools, Navy Enlisted Classification (NEC) codes, and awards to which the Petitioner is entitled. If applicable, these shall be included on the corrected DD Form 214. Lastly, blocks 12 and 29 of the DD Form 214 shall be reviewed and updated as necessary to accurately reflect the Petitioner's record of service and any applicable time lost. All other information shall remain the same.

NPC shall remove the two DD Forms 214 that currently exist in Petitioner's record and replace it with the new DD Form 214 containing the recommended changes.

No further changes be made to Petitioner's record.

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.

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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.

4/14/2025

