



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

█
Docket No: 8089-24
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, █

Ref: (a) 10 U.S.C. §1552
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)
(d) USD Memo of 25 Aug 17 (Kurta Memo)
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Advisory Opinion of 7 January 2025

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 his discharge be upgraded and that his date of birth and missing schools be corrected on his DD Form 214.

2. The Board consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 24 February 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 the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies including references (b) through (e). In addition, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional. Although Petitioner was provided an opportunity to respond to the AO, he chose not to do so.

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, the statute of limitations was waived in accordance with the Kurta Memo.

c. Petitioner enlisted in the Navy and began a period of active duty on 15 August 1997. At the time of his enlistment, his Date of Birth (DOB) was reflected as 19 November 1978.

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d. During the Petitioner's enlistment, he successfully completed several training courses, including Alcohol Awareness, T-58 Engine First Degree (Intermediate Maintenance), Helicopter Dynamic Component Repair (Intermediate Maintenance), Corrosion Control (Basic), and Aviation Machinist's Mate (Class A1 Helicopter Fundamentals Strand). Additionally, he was the recipient of a Letter of Commendation in recognition of his performance and dedication.

e. On 16 February 2000, he received nonjudicial punishment (NJP) for the wrongful use of marijuana and was subsequently notified of his pending administrative separation by reason of drug abuse. Petitioner waived his rights to consult with counsel and to have his case heard before an administrative discharge board.

f. On 21 March 2000, his commanding officer forwarded his administrative separation package to the separation authority (SA) recommending his administrative discharge from the Navy with an Other Than Honorable (OTH) characterization of service. However, Petitioner was eventually discharged on 27 March 2000 with a General (Under Honorable Conditions) characterization of service. Upon his discharge, Petitioner was issued a DD Form 214 that incorrectly annotates his DOB.

g. Petitioner contends: (1) His DOB is incorrect and the schools attended and his letter of commendation are missing from his DD Form 214, (2) while at sea one of his parents suffered a heart attack but he had to wait to receive a red cross message in order to be approved for leave, (3) the loss of a shipmate caused him to drink heavily, (4) although he asked for help with his problems and for his mental state he was continuously denied, and (5) he would like his discharge upgraded to receive benefits due to his achievements.

h. For purposes of clemency and equity consideration, Petitioner provided his Certificate of Release or Discharge from Active Duty (DD Form 214), official military personnel file documents of schools completed, and a letter of commendation.

i. As part of the Board's review, a qualified mental health professional reviewed Petitioner's request and provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

There is no evidence that the Petitioner was diagnosed with a mental health condition during his military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a mental health condition. He has provided no medical evidence in support of his claims. Unfortunately, his personal statement is not sufficiently detailed to establish clinical symptoms or provide a nexus with his requested change for narrative reason for separation. Additional records (e.g., active duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) would aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion that there is insufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence to attribute his misconduct to a mental health condition."

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CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, the Board determined Petitioner's DD Form 214 should be corrected to document his correct DOB. Additionally, regarding Petitioner's request to amend his DD Form 214 to accurately reflect the training courses completed, corresponding NECs, and any entitled awards during his enlistment, the Board concludes that a comprehensive review should be conducted to identify all eligible schools, Navy Enlisted Classification (NEC) codes, and awards. Upon verification, any qualifying awards and NECs should be properly documented and incorporated into his DD Form 214 via a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215).

Regarding Petitioner's request that his characterization of service be upgraded, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with references (b) through (e). These included, but were not limited to, Petitioner's desire for a discharge upgrade and the previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that his misconduct, as evidenced by his NJP, outweighed any mitigating factors presented. In making this finding, the Board considered the seriousness of his 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 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 his conduct showed a complete disregard for military authority and regulations. Further, the Board concurred with the AO that there is insufficient evidence of a mental health condition that may be attributed to military service or the Petitioner's misconduct. As explained in the AO, there is no evidence that Petitioner was diagnosed with a mental health condition during his military service or that he exhibited any psychological symptoms or behavioral changes indicative of a mental health condition. Ultimately, the Board determined Petitioner was fortunate to receive a General (Under Honorable Conditions) discharged based on his drug related misconduct.

Therefore, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner a change to his characterization of service or granting a characterization change as a matter of clemency or equity.

RECOMMENDATION:

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

The Navy Personnel Command (NPC) shall conduct a comprehensive review to identify all eligible schools, Navy Enlisted Classification (NEC) codes, and awards to which the Petitioner is entitled.

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Upon verification, any qualifying awards and NECs shall be properly documented and reflected in his DD Form 214 through a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 27 March 2000. Additionally, included in that DD Form 215 should be a correction to the Petitioner's date of birth, reflecting 19 November 1978.

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.
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 the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/18/2025

