



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

██████████
Docket No. 9280-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, 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), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Navy filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his Other Than Honorable (OTH) characterization of service be upgraded. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 11 December 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 entered active duty with the Navy on 18 December 1981. He admitted to marijuana use prior to enlisting. On 19 November 1984, he received non-judicial punishment (NJP) for wrongful use of marijuana. On 17 December 1984, he received a dependency evaluation, which determined he was not physiologically dependent and noted he admitted to

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liking marijuana and an intent to continue using it. On 9 April 1985, he received an additional NJP for wrongful use of marijuana. Consequently, he was notified of pending administrative separation action by reason of misconduct due to drug abuse. After electing to waive his rights, his commanding officer (CO) forwarded his package to the separation authority (SA) recommending his discharge with an Other Than Honorable (OTH) characterization of service. However, the CO noted in his recommendation that Petitioner was a "knowledgeable postal clerk and experienced Sailor. [Petitioner] has been an asset to this command..." The SA approved the CO's recommendation and Petitioner was so discharged on 17 May 1985.

d. Petitioner contends that he served honorably, his final performance marks were 3.8, and he received several commendations while serving in the Navy.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request merits 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 and equity, the Board concluded Petitioner's discharge characterization should be upgraded to General (Under Honorable Conditions) (GEN). The Board notes Petitioner's disciplinary infraction and does not condone his misconduct. However, the Board weighed Petitioner's documented contributions to the command against his misconduct and determined it was in the interests of justice to grant relief. As a result, the Board concluded, it was appropriate to change Petitioner's characterization of service to General (Under Honorable Conditions) (GEN). Further, based on the same rationale, the Board determined it was also in the interests of justice to change Petitioner's Narrative Reason for Separation to Secretarial Authority with associated changes to his SPD code, Separation Authority, and reentry code.

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 GEN discharge characterization and no higher was appropriate. 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 in favor of injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record is corrected to show that, for the period ending 17 May 1985, he was issued a "General (Under Honorable Conditions)" characterization of service, a Narrative Reason for Separation of "Secretarial Authority," SPD code of "JFF," separation authority of "MILPERSMAN 1910-164," and reentry code of "RE-1J."

That no further changes be made to the record.

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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.

1/8/2025

