



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

█
Docket No.10201-24

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 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, filed enclosure (1) requesting upgrade of her characterization of service on her 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 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, 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 interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active service on 2 August 1988. After a period of continuous Honorable service, Petitioner immediately reenlisted on 2 May 1990.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN,
XXX-XX-[REDACTED]

d. On 28 June 1995, Petitioner received NJP for dereliction of duty, making a false official statement with intent to deceive, and wrongfully taking from the pharmacy and consuming an erythromycin pill; for which a special drug request was needed to obtain the medication.

e. On 3 October 1996, Petitioner indicated on her OPNAV 1740.1, Dependent Care Certificate that she could not comply with the requirement to have arrangement for the care of her dependents to ensure her worldwide availability. On 21 October 1996, Petitioner was issued an administrative remarks (Page 13) counseling for failure to comply with the dependent care policy and was advised that failure to take corrective action in the prescribed time could result in administrative discharge. On 23 October 1996, Petitioner requested a parenthood discharge; indicating that her mother was no longer able to care for her children in the event of her deployment and that financial hardship precluded her from paying someone to care for her children while she was on duty, even during normal working hours. On 24 October 1996, Petitioner waived her right to a rehabilitation period granted by the 21 October 1996 Page 13 counseling. Consequently, Petitioner was notified of pending administrative separation processing with a General (Under Honorable Conditions) (GEN) discharge by reason of failure to complete OPNAV 1740.1 Dependent Care Certificate. She waived her right to consult with counsel, make a statement, or request an administrative discharge board. The separation authority approved and directed a GEN characterization of service. On 1 November 1996, Petitioner was so discharged. Upon her discharge, she was issued a DD Form 214 that did not annotate her period of continuous Honorable service from 2 August 1988 to 1 May 1990. In addition, her Separation Program Designator (SPD) erroneously reflects "JDG" vice "HDG."

f. Petitioner contends she was coerced by her leadership into accepting a discharge due to her single-parent status, that she served honorably as evidenced by her exemplary records, and that she was discharged because she had children and not for any breach of rule or regulation. Petitioner did not provide supporting documentation describing post-service accomplishments or advocacy letters.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial warrants relief. Specifically, as noted above, Petitioner's DD Form 214 does not include a statement of continuous Honorable service for her first enlistment, an incorrect SPD, and requires correction.

Notwithstanding the recommended corrective action below, the Board found no error or injustice in Petitioner's GEN characterization of service discharge for separation for failure to complete Dependent Care Certificate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. These included, but were not limited to, her desire for a discharge upgrade and previously discussed contentions.

After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner was properly discharged, at her request, for failure to comply with Navy policy requiring all unmarried Sailors

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN,
XXX-XX [REDACTED]

or members of a dual military couple to establish and document written plans to care for minor children while the Sailor is absent. Petitioner provided no evidence to substantiate her contention that she was coerced into accepting such a discharge or treated poorly because of her status as a single parent. The Board observed that Petitioner was a single parent when her daughter and son were born in 1990 and 1993, respectively, and she requested a parenthood discharge in October 1996. The Board also determined Petitioner's misconduct, as evidenced by her NJP, outweighed any potentially mitigating factors. In making this finding, the Board considered the seriousness of her misconduct and found that her conduct showed a complete disregard for military authority and regulations. The Board also considered the likely negative effect it had on the good order and discipline of her unit. The Board determined that the theft and wrongful consumption of medication from the pharmacy was further aggravated by the position of trust that Petitioner held as a Corpsman.

As a result, the Board concluded that significant negative aspects of Petitioner's service outweighed the positive aspects and continues to warrant a GEN characterization. Even in light of the Wilkie Memos and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting her the relief she requested or granting relief as a matter of clemency or equity.

RECOMMENDATION

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

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 1 November 1996, correcting Block 18, "Remarks" to indicate "CONTINUOUS HONORABLE ACTIVE SERVICE FROM 880802 UNTIL 900501," and correcting Block 26, "SPD" to indicate "HDG."

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.

1/10/2025

