



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

Docket No. 10977-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED] [REDACTED], 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.
2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 21 February 2025 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 1 December 1988. Petitioner's pre-enlistment physical examination, on 1 November 1988, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms. Petitioner's submarine duty physical examination, on 11 April 1989, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms.

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d. On 20 August 1989, Petitioner received non-judicial punishment (NJP) for an assault on a fellow crew member. Petitioner did not appeal his NJP.

e. On 8 February 1990, Petitioner received NJP for the misprision of an offense but appealed his NJP. On 19 March 1990, higher authority granted Petitioner's appeal and restored all lost privileges.

f. On 25 May 1990, Petitioner underwent a drug/alcohol abuse evaluation. A Navy Medical Officer (NMO) diagnosed Petitioner with alcohol dependency. The NMO recommended Petitioner undergo Level III inpatient treatment.

g. On 29 May 1990, Petitioner received NJP for: (a) unauthorized absence, (b) failing to obey a lawful order, and (c) provoking speech or gestures. Petitioner did not appeal his NJP.

h. On 26 June 1990, Petitioner underwent an alcohol evaluation and the NMO diagnosed him as alcohol dependent based on the DSM III R.

i. On 6 August 1990, Petitioner underwent alcohol rehabilitation treatment at [REDACTED]. Following completion of his treatment, Petitioner was transferred back to his command, [REDACTED].

j. Petitioner's command notified him of administrative separation proceedings by reason of alcohol abuse rehabilitation failure. The Petitioner waived his right to request an administrative separation board.

k. On 12 September 1990, Petitioner declined to participate in a Department of Veterans Affairs inpatient drug/alcohol rehabilitation program. In the interim, on 13 September 1990, Petitioner's command disqualified him from submarine duty prior to his administrative separation. Petitioner's command removed his enlisted submarine designator and prohibited him from wearing the submarine breast insignia on his uniform.

l. Ultimately, on 25 September 1990, Petitioner was discharged from the Navy for an alcohol abuse rehabilitation treatment failure with a "General (Under Honorable Conditions)" (GEN) discharge characterization and was assigned an RE-4 reentry code.

m. Based on his available service records, Petitioner's overall conduct trait average assigned on his periodic performance evaluations during his enlistment was approximately 2.60. Navy regulations in place at the time of his discharge recommended a minimum trait average of 3.0 in conduct (proper military behavior), to be eligible and considered for a fully Honorable characterization of service.

n. Petitioner requested clemency in the form of a discharge upgrade. In short, Petitioner argued that he was unjustly accused of fighting while trying to stop an altercation. For the purpose of clemency and equity consideration, Petitioner proffered advocacy letters as evidence of his good character and post-service conduct.

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CONCLUSION:

Upon review and liberal 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 was legally and factually sufficient, and in accordance with all Department of the Navy directives and policy at the time of his discharge. The Board determined the record reflected that Petitioner's misconduct and behavior demonstrated he was unfit for further service. The Board also determined that the evidence of record did not demonstrate that Petitioner was not mentally responsible for his conduct or that he should not be held accountable for his actions.

However, in keeping with the letter and spirit of the Wilkie Memo, the Board determined that it would be an injustice to label one's discharge as being for a rehabilitation failure related to a substance dependency. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate a change. Accordingly, the Board concluded that Petitioner's discharge should not be labeled as being related to a substance addiction and subsequent treatment failure, and that certain remedial administrative changes are thus warranted to the DD Form 214.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge characterization. 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 significant 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 also concluded that Petitioner's conduct marks during his active duty career were a direct result of his misconduct which further justified his original GEN discharge characterization and no higher. Additionally, in light of the Wilkie Memo, the Board still similarly concluded after reviewing the record holistically, and given the totality of the circumstances, that the Petitioner only merits a GEN characterization of service and no higher.

Further, 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.

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That Petitioner shall be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty, for the period of service ending on 25 September 1990, indicating his narrative reason for separation was "Secretarial Authority," under the separation authority of "MILPERSMAN 1910-164," with the separation code of "JFF."

No additional changes to Petitioner's record are merited.

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.

3/14/2025

[REDACTED]