



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

█
Docket No. 12139-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
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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 an upgrade to his "Other than Honorable" characterization of service on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) and (2) applies.

2. The Board consisting of █, reviewed Petitioner's allegations of error and injustice on 5 May 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 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, the statute of limitation was waived in the interests of justice.

c. Petitioner enlisted in the Navy Reserves and began a period of active duty on 1 August 1985. Prior to commencing active duty, Petitioner admitted to preservice use of marijuana and preservice arrest and charges. On 27 February 1987, Petitioner began a period of unauthorized absence (UA) which lasted two days and resulted in nonjudicial punishment (NJP) on 19 March 1987. Consequently, Petitioner was counseled concerning his previous UCMJ infractions resulting in NJP. He was advised that failure to take corrective action could result in administrative separation. On 25 June 1987, Petitioner received a second NJP for four instances

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[REDACTED]

of UA, two instances of dereliction of duty, and two instances of wrongful use of a controlled substance. Consequently, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse, at which point, he decided to waive his procedural rights. Petitioner's commanding officer recommended that he be administratively separated from the Navy with an Other Than Honorable (OTH) discharge characterization of service and the separation authority approved the recommendation. Petitioner was so discharged on 17 July 1987.

d. On 8 March 2006, this Board denied the Petitioner's previous request for a discharge characterization upgrade.

e. Petitioner contends, during the time of the incident, he was a single parent and trying to balance his life while in a highly stressful career and toxic environment. Petitioner asserts he made a bad decision that cost him his career in the military, claims he did not know how to handle stress, and was told to suck it up and drive on. Post military, Petitioner states he has given his life to God and became a Christian who maintains a full-time job that allows him to serve other people as a sponsor and mentor for the last 14 years of sobriety. For the purpose of clemency and equity consideration, Petitioner provided post-discharge documentation of accomplishments and good character.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief.

Specifically, with regard to Petitioner's request that his discharge be upgraded, the Board noted Petitioner's misconduct and does not condone his actions. However, in light of reference (b), after reviewing the record holistically, given the totality of the circumstances, and purely as a matter of clemency, the Board concluded Petitioner's discharge characterization should be upgraded to General (Under Honorable Conditions) (GEN). In making this finding, the Board considered the mitigation evidence Petitioner provided which included extensive post-discharge accomplishments and character letters. Based on the same rationale, the Board also determined it was in the interests of justice to change Petitioner's narrative reason for separation, separation authority, separation code, and reentry code be changed to secretarial authority.

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 member'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 even under the liberal consideration standards for mental health conditions, and that a GEN discharge characterization and no higher was appropriate. Further, the Board also determined Petitioner's assigned reentry code remains appropriate in light of his record of misconduct and unsuitability for further military service. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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RECOMMENDATION:

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

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 17 July 1987, indicating Petitioner's character of service was "General (Under Honorable Conditions)," the narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," and the separation authority was "MILPERSMAN 1910-164."

That 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 behalf of the Secretary of the Navy.

5/27/2025

