



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

■  
Docket No. 2672-25

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, XXX-XX-■■■■■

Ref: (a) Title 10 U.S.C. §1552

(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/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 for an upgrade of his character of service and change his narrative reason for separation.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■, reviewed Petitioner's allegations of error and injustice on 8 July 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, 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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 27 March 1989.

c. Petitioner received non-judicial punishment (NJP) on 3 April 1992. The charge and specification were not available in the record. However, the record indicates Petitioner tested positive for substance abuse.

d. Unfortunately, some documents pertinent to Petitioner's administrative separation are not in his official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their

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official duties. On 30 April 1992, the Separation Authority directed Petitioner's administrative discharge from the Navy by reason of misconduct due to drug abuse with an Other Than Honorable (OTH) characterization of service. He was so discharged on 8 May 1992.

e. Petitioner contends the following injustices warranting relief:

- (1) He has lived with the stigma of his OTH discharge designation;
- (2) He has more than paid for his single incident of misconduct;
- (3) His military track record before the incident and his exemplary post-military behavior both weigh in favor of an upgrade in his characterization under the Board's "injustice and/or clemency" standards set forth in the Wilkie Memo;
- (4) As a civilian he has continued to provide service to his country and community;
- (5) His failed drug test for marijuana was his only incident of misconduct while serving in the Navy;
- (6) Justice requires that his application for an upgrade be granted because of the infrequent nature of his misconduct, his otherwise satisfactory military record, and his continued commitment to service; and
- (7) His isolated misconduct does not justify an OTH discharge.

f. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which included his DD Form 149 and the evidence he provided in support of it.

## CONCLUSION

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

The Board found no error in Petitioner's OTH characterization of service discharge for separation for misconduct due to drug abuse. However, the Board reviewed Petitioner's application under the guidance provided in reference (b).

The Board noted Petitioner's disciplinary infraction and does not condone his misconduct. However, the Board considered the totality of the circumstances to determine whether relief is warranted in the interests of justice in accordance with reference (b). After reviewing the record holistically, given the totality of the circumstances and purely as a matter of clemency, the Board determined the interests of justice are served by upgrading his characterization of service to General (Under Honorable Conditions) (GEN) and changing his basis for separation to Secretarial Authority. In making this finding, the Board considered the evidence of favorable post-discharge accomplishments and good character provided by Petitioner.

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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, and that a GEN discharge characterization and no higher was appropriate.

Finally, the Board determined Petitioner's reentry code should remain unchanged based on the nature of his misconduct. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

#### RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 8 May 1992, Petitioner's character of service was "General (Under Honorable Conditions)," the narrative reason for separation was "Secretarial Authority," the separation authority was "MILPERSMAN 1910-164," and the SPD code assigned was "JFF."

That no further changes be made to Petitioner's record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that 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.

7/18/2025

[REDACTED]