



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 22204

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Docket No. 2746-25  
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) 10 U.S.C. § 1552  
(b) USD (P&R) Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018  
(c) NAVPERS 15560, Naval Military Personnel Manual, 1 January 1982  
(d) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/attachments  
(2) DD Form 214  
(3) NAVPERS 1070/607 (P601-7R #387), Court Memorandum, 19 August 1983  
(4) NAVPERS 1070/613, Administrative Remarks, 7 July 1983  
(5) NAVPERS 1070/607 (P601-7R #410), Court Memorandum, 18 November 1983  
(6) █ CO Memo █:def 1910 Ser 280-85,  
subj: [Petitioner] Recommendation for separation by reason of Misconduct due to Drug Abuse as cited in MILPERSMAN 3630620, and by reason of Misconduct due to Pattern of Misconduct as cited in MILPERSMAN 3630600, 10 June 1985  
(7) NAVPERS 1070/613, Administrative Remarks, 12 November 1984  
(8) NAVPERS 1070/607 (P601-7R #817), Court Memorandum, 17 April 1985  
(9) NAVPERS 1070/607 (P601-7R #1169), Court Memorandum, 21 May 1985  
(10) █ CO Memo █:def 1910 Ser 243-85,  
subj: Notice of An Administrative Board Procedure Proposed Action, 27 May 1985  
(11) Petitioner's Memo, subj: Statement of Awareness and request for, or waiver of, privileges, 28 May 1985  
(12) COMNAVMILPERSCOM Message, subj: Misconduct Discharge ICO [Petitioner], dtg █

1. Pursuant to the provisions of reference (a), the Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records, hereinafter referred to as the Board, requesting that his characterization of service be upgraded to honorable.

2. A three-member panel of the Board, meeting in executive session, convened to review Petitioner's allegations of error or injustice pursuant to its governing policies and procedures on 4 August 2025 and determined that no corrective action is warranted. Documentary material

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considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies, to include reference (b).

3. Factual Background. Following is the relevant factual background of Petitioner's case based upon review of his naval record and/or the evidence provided with his application:

a. Petitioner enlisted in the Navy and commenced a period of active duty service on 19 August 1982. See enclosure (2).

b. On 7 July 1983, Petitioner received nonjudicial punishment (NJP) for leaving his appointed place of duty without authorization on 15 June 1983 in violation of Article 86, Uniform Code of Military Justice (UCMJ). He was required to forfeit \$100 pay per month for one month; was restricted and required to perform extra duties for 14 days; and was reduced to the next inferior pay grade.<sup>1</sup> See enclosure (3).

c. On 7 July 1983, Petitioner was formally counseled in writing for the conduct deficiency referenced in paragraph 3b above for which he received NJP. He was warned that any further deficiencies in his performance and/or conduct may result in disciplinary action and in processing for administrative discharge. See enclosure (4).

d. On 10 November 1983, Petitioner received his second NJP for violating a lawful general regulation by possessing drug paraphernalia with intent to use it for the ingestion of a controlled substance, in violation of Article 92, UCMJ; and for the wrongful possession and use of marijuana, both in violation of Article 134, UCMJ.<sup>2</sup> He was required to forfeit \$334 pay per month for two months; was restricted and required to perform extra duties for 30 days; and was reduced to the next inferior pay grade. See enclosure (5).

e. On 11 January 1984, Petitioner completed the Navy Drug and Alcohol Safety Action Program. See enclosure (6).

f. On 12 November 1984, Petitioner was formally counseled in writing that drug and alcohol abuse will not be tolerated and warned that the use of illegal drugs may result in disciplinary and/or administrative action. See enclosure (7).

g. On 17 April 1985, Petitioner received his third NJP for unauthorized absence (UA) in violation of Article 86, UCMJ.<sup>3</sup> He was required to forfeit \$100 pay per month for one month and to perform extra duties for 10 days. See enclosure (8).

h. On 21 May 1985, Petitioner received his fourth NJP for the wrongful use of marijuana in violation of Article 86, UCMJ;<sup>4</sup> UA in violation of Article 86, UCMJ;<sup>5</sup> and failure to obey a lawful order in violation of Article 92, UCMJ.<sup>6</sup> He was required to forfeit \$300 pay per month

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<sup>1</sup> The reduction in grade was suspended for three months.

<sup>2</sup> All of this misconduct allegedly occurred on or about 20 October 1983.

<sup>3</sup> Petitioner was absent without authority for approximately 15 hours on 7 April 1985.

<sup>4</sup> This offense allegedly occurred on 15 April 1985.

<sup>5</sup> This offense allegedly occurred on 5 May 1985. He was approximately 15-minutes late for duty.

<sup>6</sup> This offense allegedly occurred on 6 May 1985.

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for two months; was restricted and required to perform extra duties for 45 days; and was reduced to pay grade E-2. See enclosure (9).

i. By memorandum dated 27 May 1985, Petitioner was formally notified via the administrative board procedure that he was being processed for administrative discharge for misconduct due to a pattern of misconduct and due to drug abuse. See enclosure (10).

j. On 28 May 1985, Petitioner acknowledged receipt of the notification referenced in paragraph 3i above waived all of his rights regarding the administrative discharge process, to include his right to appear before an administrative discharge board. See enclosure (11).

k. By memorandum dated 10 June 1985, Petitioner's commander recommended that he be discharged from the Navy under other than honorable (OTH) conditions for misconduct due to a pattern of misconduct and due to drug abuse. In making this recommendation, Petitioner's commander noted that Petitioner was a drug rehabilitation failure and opined that he had no potential for future service.<sup>7</sup> See enclosure (6).

l. By message dated 23 June 1985, the separation authority directed that Petitioner be discharged from the Navy under OTH conditions by reason of misconduct.<sup>8</sup> See enclosure (12).

m. On 2 July 1985, Petitioner was discharged from the Navy under OTH conditions for misconduct due to drug abuse. See enclosure (2).

4. Petitioner's Application. Petitioner submitted his application to the Board in March 2025 requesting the corrective action discussed in paragraph 1 above.<sup>9</sup> He based his request entirely upon the merits of his post-service conduct and rehabilitation efforts. Specifically, he reports having amassed over 25 years of management experience before pursuing and obtaining technical education and certifications. He then obtained several professional licenses and was recognized for his volunteer service and community involvement. Finally, he discussed his involvement in his church, where he has become a Deacon and Elder, his reconciliation with his family, and his establishment and management of a small business. Petitioner's application is supported by seven character references. See enclosure (1).

#### 5. Conclusions.<sup>10</sup>

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 of limitations and review her application on its merits.

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<sup>7</sup> Petitioner's wrongful use of marijuana after completing the drug rehabilitation treatment program referenced in paragraph 3e above rendered him a drug rehabilitation failure.

<sup>8</sup> The authority specified for this discharge was that for misconduct due to drug abuse.

<sup>9</sup> Petitioner's signature on his DD Form 149 was dated 6 March 2025 and his application was received by the Board on 12 March 2025.

<sup>10</sup> The Board's conclusions were unanimous.

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c. Petitioner's personal appearance, with or without counsel, was not necessary to explain the issues involved with his case. Accordingly, Petitioner's request to personally appear before the Board was denied.

d. The Board found no error in Petitioner's discharge for misconduct due to drug abuse when it was administered. In accordance with paragraph 3630620.1 of reference (c), a member could be separated for misconduct due to drug abuse based upon one or more instances of the illegal or wrongful use or possession of a controlled substance. Petitioner's record reflects at least two instances of wrongful use and one instance of wrongful possession of marijuana. Accordingly, the factual predicate for Petitioner's misconduct upon this basis was satisfied. It also appears from the record that all procedural requirements were satisfied to sustain Petitioner's discharge upon this basis. The administrative board procedure was utilized in accordance with paragraph 3630620.3 of reference (c), and Petitioner voluntarily waived all of his rights within the administrative discharge process. Accordingly, the Board found no evidence of any error in Petitioner's discharge for misconduct due to drug abuse.

e. The Board also found no error in Petitioner's discharge for misconduct due to a pattern of misconduct when it was administered.<sup>11</sup> In accordance with paragraph 3630600.1b of reference (c), a member could be separated for misconduct due to a pattern of misconduct upon receiving three or more punishments under the UCMJ within the current enlistment, with the latest offense and counseling having occurred while assigned to the parent command. Petitioner received NJP under the UCMJ on four occasions, each of which occurred while he was assigned to his parent command. Accordingly, the factual predicate for Petitioner's misconduct upon this basis was satisfied. The procedural requirements to sustain Petitioner's discharge upon this basis was also satisfied based upon the same analysis discussed in paragraph 5d above. Additionally, the counseling requirement of paragraph 3630600.2 for a discharge based upon a pattern of misconduct was satisfied. Accordingly, the Board found no evidence of any error in Petitioner's discharge for misconduct due to a pattern of misconduct.

f. The Board found no error in the assignment of an OTH characterization to Petitioner's discharge when it was administered. In accordance with paragraphs 3630600.3 and 3630620.2 of reference (c) respectively, a discharge based upon either the bases for which Petitioner was processed for separation is normally under OTH conditions. In fact, any characterization more favorable than OTH for a discharge based upon misconduct due to drug abuse would have to be approved by the Chief of Naval Personnel (Enlisted Performance Division) in accordance with paragraph 3630620.2c. With four NJPs in less than three years of service, there was nothing about Petitioner's service record which would have warranted a more favorable characterization than the one normally assigned to discharges based upon misconduct. Accordingly, the Board found no evidence of any error in Petitioner's OTH characterization of service.

g. In addition to reviewing the circumstances of Petitioner's discharge at the time it was administered for error, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with reference (b). In this regard, the Board considered, amongst other factors, Petitioner's post-service record of

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<sup>11</sup> Only one narrative reason for separation appears on a DD Form 214, but Petitioner was processed for and separated for both misconduct due to drug abuse and due to a pattern of misconduct.

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employment and professional accomplishments, achieved in spite of the stigma associated with his OTH characterization, which demonstrates his rehabilitation and reflects favorably upon his character and resilience; Petitioner's post-service contributions to his church and community, and efforts to reconcile with his family; Petitioner's post-service struggle to successfully overcome his self-admitted drug addiction; the character references provided for review attesting to Petitioner's favorable character, integrity, and dependability; the non-violent nature of Petitioner's misconduct; Petitioner's relative youth and immaturity at the time of his misconduct; and the passage of time since his discharge. Unfortunately, the Board did not find these matters sufficient to justify the recharacterization of his discharge. While the Board recognizes and applauds Petitioner's apparently successful efforts to turn his life around, his in-service misconduct was extensive and severe. Although none of his individual acts of misconduct were particularly egregious, the relative severity of a pattern of misconduct is based upon the nature of the pattern itself and not upon the individual acts. Petitioner's pattern was particularly egregious, as it encompassed and essentially defined the duration of his naval service. As such, the Board found the severity of Petitioner's misconduct to outweigh all of the mitigating factors combined, and any equitable relief to be therefore unwarranted. The Board also found that it would be unjust to characterize Petitioner's objectively OTH service on par with the thousands of other Sailors who earned their honorable discharges through the faithful completion of their respective enlistments.

6. Recommendation. Based upon its conclusions as discussed in paragraph 5 above, the Board recommends that no corrective action be taken upon Petitioner's naval record.

7. 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 titled matter.

8. In accordance with Section 6e(2)(c) of Enclosure (1) to reference (d), I have determined that this case warrants Secretarial review. Petitioner's post-service accomplishments and service to his community is significant, especially in light of the stigma associated with his OTH discharge characterization. Additionally, the multiple character references provided paint the picture of a former Sailor who has overcome significant challenges to rehabilitate himself and become a productive member of society. As such, I believe that at least some equitable relief from a discharge characterization assigned over 40 years ago is warranted in the interests of justice. While I agree with the Board's conclusion that it would be unjust and inappropriate under the circumstances to recharacterize his service as fully honorable as he requested, I believe a modest upgrade to general (under honorable conditions) is warranted and consistent with the guidance of reference (b). Accordingly, the foregoing action of the Board is submitted for your review and action in accordance with Section 6e(1)(c) of Enclosure (1) to reference (d).

11/13/2025

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ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

- \_\_\_ Board Recommendation Approved (Deny Relief – I concur with the Board’s conclusions and therefore direct that no corrective action be taken on Petitioner’s naval record.)
- X Petitioner’s Request Partially Approved (Partial Relief – I concur with the Executive Director’s opinion that the mitigating factors are sufficient to justify some equitable relief in the interests of justice, but not to the extent requested by Petitioner. Accordingly, I direct that Petitioner be issued a new DD Form 214 reflecting that his service ending on 2 July 1985 was characterized as “General (under honorable conditions).” All other entries reflected on Petitioner’s current DD Form 214, to include his narrative reason for separation and reenlistment code, are to remain unchanged.)
- \_\_\_ Petitioner’s Request Approved (Full Relief – I do not concur with the Board’s conclusions. Rather, I agree with the Executive Director’s opinion that equitable relief is warranted in the interests of justice. However, I do not believe that the Executive Director’s recommendation goes far enough to serve the interests of justice. Specifically, I found that the combined weight of the mitigating factors so significantly outweighed the severity of Petitioner’s misconduct to justify the equitable relief that he requested. Accordingly, I direct that Petitioner be issued a new DD Form 214 reflecting that his service ending on 2 July 1985 was characterized as “Honorable”; that his narrative reason for separation was “Secretary Plenary Authority”; that his separation authority was “MILPERSMAN 3630900”; that his separation code was “JFF”; and that his reenlistment code was RE-1. All other entries reflected on Petitioner’s current DD Form 214 are to remain unchanged. Petitioner shall also be issued an Honorable Discharge Certificate.)

