



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

■
Docket No. 2962-25

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 to Honorable.

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 7 December 1987.

c. On 31 October 1989, Petitioner completed Level III Treatment at the Naval Alcohol Rehabilitation Center.

d. On 25 October 1991, Petitioner reenlisted into the Navy.

e. On 30 June 1994, Navy Drug Laboratory, ■■■■■■■■■■, reported that Petitioner's urine sample tested positive for amphetamine/methamphetamine.

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XXX-XX-[REDACTED]

f. On 8 November 1994, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of misconduct due to drug abuse. Petitioner was advised of and elected his procedural right to consult with military counsel and to submit a statement on his behalf; Petitioner waived his procedural right to present his case to an administrative discharge board.

g. On 29 December 1994, the commanding officer (CO) recommended to the separation authority that Petitioner be administratively discharged from the Navy by reason of misconduct due to drug abuse with a General (Under Honorable Conditions) (GEN) characterization of service. The CO based his recommendation for a GEN on Petitioner's past performance and awards that, he believed, supported a higher characterization.

h. On 25 January 1995, the separation authority approved the recommendation for administrative discharge; however, directed that Petitioner's characterization of service be under Other Than Honorable (OTH) conditions. Petitioner was so discharged on 8 February 1995.

i. Petitioner contends the following injustices warranting relief:

(1) His ex-wife put something illegal in his food and then had her mother call the base to report that he was doing drugs. She later came clean and went before a review board on Naval Station [REDACTED] and told the review board;

(2) The Department of Veterans Affairs has deemed him as Honorable and given him a 30 percent disability rating; and

(3) He has continued employment with the [REDACTED] ([REDACTED]) since 1997; he has been with [REDACTED] for 28 years and have moved up the ranks over the years to [REDACTED] Level 18.

j. 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 partial 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; which resulted in his OTH characterization of service. 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

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are served by upgrading his characterization of service to General (Under Honorable Conditions). In making this determination, the Board considered the CO's recommendation and noted Petitioner's positive post-discharge accomplishments.

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 narrative reason for separation, separation authority, separation code, and reentry code remain appropriate in light of his 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.

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 February 1995, Petitioner's character of service was "General (Under Honorable Conditions)."

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 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.

7/18/2025

[REDACTED]