



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

██████████
Docket No. 3040-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████ USN,
██████████

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Naval record (excerpts)

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 characterization of service to Honorable.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 11 August 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 Petitioner's 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 accordance with the Kurta Memo.

c. During Petitioner's enlistment processing he disclosed pre-service infractions of shoplifting, beyond parent control and marijuana use. Petitioner was granted an enlistment waiver for non-minor misdemeanor.

d. Petitioner enlisted in the Navy and began a period of active duty on 24 June 1987.

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[REDACTED]

e. Between 15 May 1989 to 13 November 1989, Petitioner received three nonjudicial punishments (NJPs) for three instances of assault consummated by a battery, use of provoking words, and two instances of breach of peace.

f. Consequently, Petitioner was notified of his pending administrative processing by reason of the commission of a serious offense and a pattern of misconduct (POM); at which time he waived his procedural rights to consult with counsel and to present his case to an administrative discharge board.

g. On 14 November 1989, Petitioner's commanding officer forwarded his administrative separation package to the separation authority with a recommendation for separation under Other Than Honorable (OTH) conditions adding,

"[Petitioner] has become an administrative and disciplinary burden to the command. During the previous six months, he has engaged in several breaches of the peace incidents which have culminated in assaults. He has failed to respond to numerous counseling sessions provided to him by his chain of command. [Petitioner's] rate requires the utmost trust and reliability and his frequent misconduct clearly demonstrates his unreliability. [Petitioner] is considered to have no potential for further useful service and is considered a threat to good order and discipline onboard [REDACTED]

h. On 24 November 1989, the separation authority directed Petitioner be discharged with an OTH characterization of service for POM. Petitioner was so discharged on 4 December 1989.

i. Petitioner contends that his youth and anger contributed to his poor decisions and acknowledges that his actions were unjustified. He further asserts that he has since participated in alcohol and drug treatment programs, which have positively impacted his life. Additionally, he reports completing the course "Thinking for a Change." Additionally, Petitioner made mental health concern (PTSD) assertions but chose not to respond to the 24 March 2025 letter from the Board requesting evidence in support of his claim.

j. For purposes of clemency and equity consideration, Petitioner provided character letters, a letter from the National Personnel Records Center, and his Certificate of Release or Discharge from Active Duty (DD Form 214).

CONCLUSION:

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

With regard to Petitioner's request that his characterization of service be upgraded, the Board carefully considered all potentially mitigating factors to determine whether the interest of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. The Board found no error in Petitioner's OTH characterization of service discharge for separation by pattern of misconduct. Nevertheless, in light of reference (b), and after reviewing the record holistically,

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[REDACTED]

and solely as a matter of clemency, the Board concluded Petitioner's discharge characterization should be upgraded to General (Under Honorable Conditions) and his reason for separation be changed to reflect a Secretarial Authority discharge. In making this determination, the Board considered Petitioner's post-discharge rehabilitation and the favorable matters submitted in clemency.

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 aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record, even under liberal consideration standards, and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate.

Further, the Board determined Petitioner's assigned reentry code remains appropriate considering his original basis for separation. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

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

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 4 December 1989, he was discharged with a "General (Under Honorable Conditions)" characterization of service, narrative reason for separation of "Secretarial Plenary Authority," SPD code of "JFF," and separation authority of "MILPERSMAN 3630900."

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.

8/20/2025

[REDACTED]