



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

[REDACTED]
Docket No. 4121-25
Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder," 3 September 2014
(c) PDUSD (P&R) Memo, "Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records (BCMRs/BCNR) by Veterans Claiming Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury," 24 February 2016
(d) USD (P&R) Memo, "Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment," 25 August 2017
(e) 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
(f) MILPERSMAN 1910-140, Separation by Reason of Misconduct – Pattern of Misconduct
(g) MILPERSMAN 1910-142, Separation by Reason of Misconduct – Commission of a Serious Offense
(h) MILPERSMAN 1910-304, Description of Characterization of Service
(i) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149, signed 4 April 2025 (with attachments)
(2) DD Form 1966, Record of Military Processing – Armed Forces of the United States, 10 January 1996
(3) Standard Form 93, Report of Medical History, 10 January 1996
(4) DD Form 214
(5) NAVPERS 1070/605, History of Assignments
(6) NAVPERS 1070/607, Court Memorandum, 14 October 1996
(7) NAVPERS 1070/613, Administrative Remarks, 10 October 1996
(8) NAVNORVA Form 1600/2, Deficiency Slip, 1 December 1996
(9) [REDACTED] Memo, subj: Preliminary Inquiry Report in the case of [Petitioner], *undated*
(10) NAVPERS 1070/613, Administrative Remarks (NJP), 6 February 1997
(11) NAVPERS 1070/613, Administrative Remarks (Alcohol Order), 6 February 1997

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- (12) Extra Military Instruction (EMI) Assignment Sheet, 4 March 1997
- (13) Record of Counseling, 11 March 1997
- (14) Record of Counseling, 30 March 1997
- (15) Witness Statement, 8 May 1997
- (16) NAVPERS 1070/607, Court Memorandum, 9 May 1997
- (17) [REDACTED] CO Memo 1910 Ser 0270, subj: Recommendation for Administrative Separation ICO [Petitioner], 12 June 1998
- (18) [REDACTED] CO Memo 1000 [REDACTED] subj: Level III Admissions ICO [Petitioner], 29 August 1997
- (19) [REDACTED] Memo 5800 02, subj: Letter of Deficiency ICO [Petitioner], Administrative Separation Processing, 9 April 1998
- (20) Navy Arctic Service Ribbon Certificate, *undated*
- (21) Witness Statement, 15 January 1998
- (22) Petitioner's Statement, 15 January 1998
- (23) NAVPERS 1070/607, Court Memorandum, 24 February 1998
- (24) [REDACTED] CO Memo 1910, subj: Administrative Board Procedures Letter (ABPL), 29 January 1998
- (25) Petitioner's Memo, subj: Administrative Board Procedure Acknowledgment (ABPA), 2 February 1998
- (26) [REDACTED] Memo, subj: Report of an Administrative Board in case of [Petitioner], 7 April 1998 (with Record of Proceedings of an Administrative Board ICO [Petitioner], *undated*)
- (27) [REDACTED] Message, subj: Admin Discharge ICO [Petitioner], 17 July 1998
- (28) BCNR Memo Docket No. 04121-25, subj: Advisory Opinion ICO [Petitioner], 6 August 2025
- (29) BCNR Letter Docket No: NR20250004121, 7 August 2025
- (30) [REDACTED], MA, LICDC, LPC Letter, Re: [Petitioner], 21 August 2025

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 discharge be upgraded.

2. A three-member panel of the Board convened in executive session on 30 December 2025 to review Petitioner's allegations of error or injustice pursuant to its governing policies and procedures and determined by a majority vote that the corrective action recommended in paragraph 6a below should be taken upon Petitioner's naval record in the interests of justice. Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies, to include references (b) – (e).

3. Factual Background. Following are the relevant facts of Petitioner's case based upon review of his naval record and/or the matters provided with his application:

a. During his pre-enlistment process, Petitioner disclosed a history of alcohol abuse. Specifically, he disclosed that he had been arrested for driving under the influence of alcohol

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(DUI) in January 1995. On 10 January 1996, Petitioner was granted a waiver to permit his enlistment despite this previous DUI on his record. He then enlisted in the Navy pursuant to this waiver with a four-year active-duty service obligation pursuant to the "Seaman Subfarer Program Guarantee." See enclosures (2) and (3).

b. On 29 January 1996, Petitioner commenced a period of active-duty service in the Navy pursuant to the enlistment described in paragraph 3a above. See enclosure (4).

c. Upon completion of his initial entry training, Petitioner reported for training at [REDACTED] on 5 April 1996. See enclosure (5).

d. On 8 April 1996, Petitioner received a written order from the Commanding Officer, [REDACTED], not to possess alcohol in the [REDACTED] barracks while underage. See enclosure (6).

e. On or about 3 September 1996, Petitioner violated the order referenced in paragraph 3d above by possessing alcohol the [REDACTED] barracks while under the age of 21. See enclosure (6).

f. On 10 October 1996, Petitioner was formally counseled in writing regarding his violation of a lawful written order discussed in paragraph 3e above. He was warned that any further deficiencies in his performance and/or conduct may result in disciplinary action and/or in processing for administrative separation. See enclosure (7).

g. On 14 October 1996, Petitioner received nonjudicial punishment (NJP) for violating the lawful order referenced in paragraph 3d above, in violation of Article 92, Uniform Code of Military Justice (UCMJ). His punishment consisted of the forfeiture of \$200 pay per month for two months, but half of the adjudged forfeitures were suspended for four months. See enclosure (6).

h. Upon completion of his training at [REDACTED], Petitioner reported for his first full-time duty assignment aboard the [REDACTED] on 20 November 1996. See enclosure (5).

i. On 1 December 1996, Petitioner was issued a deficiency slip for wearing improper jewelry.¹ See enclosure (8).

j. On 27 January 1997, Petitioner engaged in a fight with a fellow Sailor at an on-base party. A preliminary inquiry of this incident concluded that Petitioner did not consume alcohol at this party and recommended that this misconduct be disposed of through NJP. See enclosure (9).

k. On 6 February 1997, Petitioner received his second NJP for the assault referenced in paragraph 3j above in violation of Article 128, UCMJ. His punishment consisted of 45 days of restriction to the [REDACTED] and reduction to the next inferior pay grade, but both of these punishments were suspended for six months. See enclosure (10).

¹ Petitioner was wearing an earring.

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l. On 6 February 1997, Petitioner was issued another written order from his commander not to consume, possess, or purchase alcohol beverages while below the age of 21. This order specifically informed Petitioner that a violation could be punished under the UCMJ. See enclosure (11).

m. On 4 March 1997, Petitioner went back to his rack and fell asleep while on watch as the duty Food Service Attendant (FSA). To correct this behavior, he was assigned to perform two hours of extra military instruction by mustering with the Galley Watch Captain at 0500 hours for FSA duty on five separate days. See enclosure (12).

n. On 11 March 1997, Petitioner was formally counseled in writing regarding his consistently disrespectful deportment and insubordinate conduct toward senior personnel, as well as his substandard performance of duties on the mess decks. He was warned that further disrespectful conduct would result in disciplinary action. See enclosure (13).

o. On 30 March 1997, Petitioner was formally counseled in writing after arriving late for duty. Specifically, he arrived for duty at 0930 hours that morning, missing the 0830 muster time. See enclosure (14).

p. On 8 May 1997, a barracks inspection discovered discarded cans of alcoholic beverages in Petitioner's room and alcohol beverage bottles in Petitioner's refrigerator. He was also observed arriving at an off-base party with alcoholic beverages. See enclosure (15).

q. On 9 May 1997, the suspension of the punishments adjudged during Petitioner's NJP of 6 February 1997 (see paragraph 3k above) was vacated due to his continuing misconduct. See enclosure (16).

r. On 9 May 1997, Petitioner received his third NJP for disobeying a lawful order by drinking while underaged in violation of Article 92, UCMJ. His punishment consisted of the forfeiture of \$400 pay per month for two months and restriction for 60 days. See enclosure (17).

s. Because the misconduct referenced in paragraph 3r above was alcohol related, Petitioner was screened by the Counseling and Assistance Center (CAAC) and was diagnosed as being alcohol dependent. As a result, he was recommended for Level III inpatient alcohol rehabilitation treatment. That treatment was scheduled for 11 August 1997 through 5 September 1997, but was delayed due to the [REDACTED] operational commitments (see paragraph 3t below). Accordingly, he was placed in a Level I pretreatment program with a post-certified CAAC counselor onboard the boat.² See enclosure (18).

t. Petitioner participated in an Arctic deployment of the [REDACTED] from 3 September 1997 to 9 December 1997. See enclosures (19) and (20).

u. Early in the morning of 13 January 1998, Petitioner was hospitalized after being involved in an automobile accident on [REDACTED]. He registered a blood alcohol concentration of .11,

² Petitioner's Level III treatment program was rescheduled to begin on 26 January 1998 following his return from deployment.

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and was charged by civilian authorities with DUI, falsifying an identification card,³ and reckless driving. See enclosure (21).

v. On 16 January 1998, Petitioner received his fourth NJP for disobeying a lawful order in violation of Article 92, UCMJ; drunken driving in violation of Article 111, UCMJ; and for wrongfully altering his military identification card in violation of Article 134, UCMJ. His punishment consisted of the forfeiture of \$450 pay per month for two months and 60 days of restriction. See enclosure (23).

w. By memorandum dated 29 January 1998, Petitioner was formally notified via the administrative board procedures that he was being considered for administrative separation from the Navy for misconduct due to a pattern of misconduct and due to commission of a serious offense. See enclosure (24).

x. On 2 February 1998, Petitioner acknowledged the notice referenced in paragraph 3w above and elected to exercise his right to a hearing before an administrative discharge board after consulting with counsel. See enclosure (25).

y. Petitioner completed a Level III in-patient alcohol rehabilitation program in March 1998. See enclosure (19).

z. An administrative discharge board convened on 7 April 1998 at [REDACTED] to consider Petitioner's case. Petitioner was represented by counsel at this hearing and provided an unsworn statement.⁴ After reviewing all of the evidence and hearing all of the testimony, the administrative discharge board unanimously found the preponderance of the evidence to support the allegations of Petitioner's commission of a serious offense and pattern of misconduct, and recommended that Petitioner be discharged from the Navy under other than honorable (OTH) conditions. See enclosure (26).

aa. By memorandum dated 9 April 1998, Petitioner's detailed military defense counsel submitted a Letter of Deficiency, asserting that the bases for Petitioner's administrative processing and several alcohol-related incidents were directly attributable to "his diagnosed and, recently treated, alcoholism." In this regard, Petitioner's detailed military defense counsel highlighted the fact that Petitioner's long-recognized need for alcohol rehabilitation treatment was delayed due to operational needs, and that he had remained sober for nearly three months since finally commencing such treatment. She also argued that "[i]t is completely illogical to diagnose a service member with alcoholism, successfully treat that member, and then process him [for separation] despite the fact that no misconduct has occurred since the date of the completion of that treatment," as to do so would punish him for his successful rehabilitation efforts and repudiate the goals of the Navy's alcohol rehabilitation program. As such, Petitioner's detailed military defense counsel asserted that if Petitioner must be separated, his service should be characterized as honorable. See enclosure (19).

³ Petitioner provided a statement admitting to consuming alcohol and altering the birthdate on his identification so that he would be able to provide alcoholic beverages for his girlfriend at a party. See enclosure (22).

⁴ The entirety of Petitioner's unsworn statement was not recorded due to a tape malfunction.

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bb. By memorandum dated 12 June 1998, Petitioner's squadron commander forwarded the findings and recommendations of the administrative discharge board referenced in paragraph 3z above to the separation authority along with his own recommendation Petitioner be discharged from the Navy under OTH conditions for misconduct due to commission of a serious offense and due to a pattern of misconduct. The squadron commander addressed the argument made by Petitioner's detailed military defense counsel in this memorandum, explaining that Petitioner was provided alcohol rehabilitation treatment prior to his separation due to "delays fostered by his Defense Counsel." See enclosure (17).

cc. By message dated 14 July 1998, the separation authority directed that Petitioner be discharged from the Navy under OTH conditions for a pattern of misconduct.⁵ See enclosure (27).

dd. On 29 July 1998, Petitioner was discharged from the Navy under OTH conditions for misconduct due to a pattern of misconduct. See enclosure (4).

4. Procedural Background.

a. Petitioner filed enclosure (1) with the Board requesting the corrective action discussed in paragraph 1 above in April 2025.⁶ Specifically, Petitioner asserts that the request relief is warranted because he "began using Alcohol as a coping mechanism" for the stress he experienced while serving on a nuclear submarine and the trauma he experienced when an oxygen generator almost exploded while the [REDACTED] was submerged. He also asserted that his request for alcohol rehabilitation treatment was denied due to operational requirements. Finally, Petitioner asserts that his discharge was unjust because he was "an exemplary sailor suffering from a disability." See enclosure (1).

b. Because Petitioner based his request for relief in whole or in part upon his claimed mental health condition(s), to include post-traumatic stress disorder (PTSD), his application and records were reviewed by a Licensed Clinical Psychologist who provided an advisory opinion (AO) for the Board's consideration. The Licensed Clinical Psychologist found no evidence that Petitioner was diagnosed with or suffered from a mental health condition during his service, but did find evidence of his alcohol dependence. She opined, however, that only some of Petitioner's misconduct was related to his alcohol abuse. She also noted that Petitioner's personal statement was not sufficiently detailed to establish any nexus between a mental health condition and his in-service misconduct, and commented that additional records may aid in rendering an alternate opinion. Accordingly, the Licensed Clinical Psychologist opined that there is insufficient evidence to conclude that Petitioner suffered from a mental health condition during his service or to attribute his misconduct to a mental health condition. See enclosure (28).

⁵ Although Petitioner was processed for separation on the bases of both misconduct due to commission of a serious offense and misconduct due to a pattern of misconduct, only one basis appears on the discharge certificate. The separation order published by the separation authority directed that the latter basis was the one which would appear on Petitioner's DD Form 214.

⁶ Petitioner signed his DD Form 149 on 4 April 2025 and it was received by the Board on 17 April 2025.

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c. A copy of the AO referenced in paragraph 4b above was forwarded to Petitioner for comment under cover of a letter dated 7 August 2025. See enclosure (29).

d. In response to the AO referenced in paragraph 4b above, Petitioner provided a letter dated 31 August 2025 from his Licensed Professional Counselor purporting to provide a summary of Petitioner's treatment and supportive documentation for Petitioner's application. Specifically, Petitioner's counselor stated that Petitioner began treatment on 17 August 2017 following a charge of operating a motor vehicle while impaired earlier that month. He further stated that it was determined through the course of this treatment that Petitioner experienced PTSD during and after his discharge from the military, and that his alcohol use was symptomatic of his attempts to manage his emotional response patterns. See enclosure (30).

5. Conclusions.⁷

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. The Board found insufficient evidence of any error in Petitioner's discharge under OTH conditions for misconduct when it was administered. In accordance with reference (f), a Sailor may be separated for misconduct due to a pattern of misconduct when they receive two or more NJPs during their current enlistment. Likewise, a Sailor may be separated for misconduct due to commission of a serious offense pursuant to reference (g) when they commit an offense which would warrant a punitive discharge per the Manual for Courts-Martial (MCM) (or a similar offense if charged by civilian authorities). Petitioner received four separate NJPs over the course of his first enlistment, and several of his acts of misconduct would warrant a punitive discharge under the MCM, to include his multiple violations of orders in violation of Article 92, UCMJ; drunken driving in violation of Article 111, UCMJ; and his falsification of his military identification card in violation of Article 134, UCMJ. Accordingly, there was an adequate factual predicate for Petitioner's discharge upon this basis. In this regard, the Board notes that an administrative discharge board unanimously found that the preponderance of the evidence supported Petitioner's discharge upon both of these bases. It also appears that all procedural requirements were satisfied to sustain Petitioner's discharge under OTH conditions upon either of these bases, as he was properly notified pursuant to the administrative board procedures that he was being processed for administrative separation upon both of these bases and he exercised all of his rights with regard to the administrative separation process before action was taken to separate him. In this regard, the Board notes that the separation authority's action was consistent with the recommendation of the administrative discharge board. With regard to Petitioner's discharge for misconduct due to a pattern of misconduct pursuant to reference (f), the Board notes that Petitioner was formally counseled in writing and warned of the potential consequences of continuing misconduct on 10 October 1996, and he received NJP three separate times before his command took action to separate him, so the requirement of reference (f) that Sailors be warned and provided an opportunity to improve their conduct before separation processing upon this basis is initiated was satisfied. Finally, the Board found no error or injustice in the OTH characterization of service assigned to Petitioner's discharge under the circumstances. In accordance with reference (h), an OTH characterization may be assigned to a discharge for

⁷ Except as stated in paragraph 5d below, the Board's conclusions were unanimous.

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“[c]onduct involving one or more acts or omissions that constitute a significant departure from the conduct expected of members of the naval service.” Petitioner’s repeated misconduct certainly satisfied this criteria. Accordingly, the OTH characterization recommended by the administrative discharge board and ultimately approved by the separation authority was both appropriate and authorized under the circumstances.

c. Because Petitioner based his request for relief in whole or in part upon his claimed mental health condition(s), the Board reviewed his application in accordance with the guidance of references (b) – (d). Accordingly, the Board applied liberal consideration to Petitioner’s claim that he suffered from mental health condition(s) during his naval service and the potential effect that these conditions may have had upon his misconduct. Even applying liberal consideration, however, the Board found insufficient evidence to support Petitioner’s claim that he suffered from PTSD during his naval service. There simply was no credible evidence supporting this claim, as Petitioner provided no clinical diagnoses or description of symptoms which were reasonably attributable to PTSD. The Board acknowledged the statement provided by Petitioner’s counselor at enclosure (30) indicating that “it was determined that [Petitioner] experienced PTSD during and after his discharge from the military” while evaluating his alcohol use patterns and other co-morbid issues contributing to his alcohol use, but found this statement to lack credibility since it discussed none of the diagnostic criteria of PTSD contributing to this determination and inaccurately attributed Petitioner’s alcohol abuse to some unspecified traumatic event when in fact it long predated his entry into the Navy. Even if there was some credible evidence that Petitioner suffered from PTSD during his naval service, however, the Board would not have found it to excuse or mitigate Petitioner’s misconduct for this very reason – Petitioner’s alcohol abuse long predated his entry into the Navy and clearly was not the product of any traumatic experience he may have experienced in the Navy. The Board did, however, find sufficient evidence to conclude that Petitioner suffered from an alcohol abuse disorder both before and throughout his naval service. The Board need not have applied liberal consideration to reach this conclusion, as it was evident from his in-service records. However, the Board did not find this condition to excuse or mitigate the misconduct for which Petitioner was discharged since it was known to the separation authority (and presumably the administrative discharge board) as evidenced by the Letter of Deficiency provided by Petitioner’s detailed military defense counsel at enclosure (19) and presumably was already factored into the discharge recommendation and decision.

d. In addition to applying liberal consideration to Petitioner’s claimed mental health condition(s) and their potential effect upon his conduct in accordance with references (b) – (d), the Board also considered the totality of the circumstances to determine whether equitable relief may be warranted in the interests of justice in accordance with reference (e). In this regard, the Board considered, amongst other factors, that most of Petitioner’s misconduct was alcohol-related and that he did suffer from an alcohol abuse disorder; that Petitioner was recommended for but was delayed in receiving Level III inpatient alcohol rehabilitation treatment due to operational requirements prior to his final alcohol-related acts of misconduct which prompted initiation of administrative separation proceedings; the totality of Petitioner’s naval service, which included his participation in the extended Arctic deployment which prevented him from receiving timely rehabilitation treatment; that Petitioner’s pattern of misconduct in the Navy apparently ended once he was finally received the recommended treatment; Petitioner’s relative

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youth and immaturity at the time of his misconduct; and the passage of time since Petitioner's discharge. However, the Board was unable to reach a consensus regarding whether these mitigating factors were sufficient to justify any equitable relief in the interests of justice.

(1) *Majority Conclusion.*

(a) The Majority of the Board found that the mitigating factors sufficiently outweighed the severity of the misconduct for which Petitioner was discharged to justify some modest equitable relief. In particular, the Majority noted that Petitioner's command did not take action to administratively discharge him after three NJPs, and delayed his recommended and clearly needed Level III inpatient rehabilitation treatment in order to take Petitioner on an extended Arctic deployment. This suggests that Petitioner's contributions to the boat's mission were valued by the command, even if his conduct while ashore was not. Additionally, it is also possible, if not likely, that Petitioner would not have engaged in the misconduct resulting in his final NJP and the initiation of administrative separation proceedings soon after completion of this deployment if he had been afforded the opportunity for timely treatment as was recommended by medical professionals. As such, the Majority determined that Petitioner's characterization of service should be upgraded to "General (under honorable conditions)" in the interests of justice.

(b) While finding the mitigating circumstances to sufficiently outweigh the severity of the misconduct for which Petitioner was discharged to justify the equitable relief described in paragraph 5d(1)(a) above, the Majority did not find those mitigating circumstances to so significantly outweigh the severity of Petitioner's misconduct so as to justify the extraordinary relief represented by an upgrade of his characterization of service to fully honorable. In this regard, the Majority noted that the severity of a pattern of misconduct is judged not only by the individual acts of misconduct which constitute the pattern but also by the nature of the pattern itself. Petitioner's pattern of misconduct was particularly egregious and extensive; he was provided more opportunities to improve his performance than most Sailors would be, yet he failed to do so. The Majority also noted that not all of Petitioner's misconduct could be attributed to his alcohol abuse disorder. Specifically, his assault upon a fellow Sailor was determined not to be alcohol related, and his decision to alter his military identification card so that he could purchase alcohol beverages was a deliberate act not apparently influenced by the actual consumption of alcohol. Finally, the Majority believed it would be unjust to recharacterize the quality of Petitioner's decidedly less than fully honorable service as being on par with that of the thousands of Sailors who routinely complete their enlistments honorably without engaging in a fraction of the misconduct as did Petitioner, as doing so would diminish the value of their service.

(2) *Minority Conclusion.* Unlike the Majority, the Minority of the Board did not find the mitigating circumstances nearly sufficient to justify any equitable relief given the totality of the circumstances. First, the Majority simply found the volume and nature of Petitioner's misconduct to far outweigh all of the potentially mitigating factors combined. He was afforded more opportunities to improve his conduct than most Sailors would have been under the circumstances. Further, while some of his misconduct was influenced by his alcohol abuse disorder, not all of it was. His decisions to alter his military identification card and to assault a

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fellow Sailor were not made under the influence of alcohol, but rather reflected the poor overall character that Petitioner demonstrated throughout his naval service. The Minority also noted that the extent of Petitioner's misconduct went far beyond that for which he was formally punished and separated, as he was constantly being counseled and corrected for disciplinary infractions throughout his naval service. In this regard, Petitioner was far from an "exemplary" Sailor as he described himself in enclosure (1). Finally, the Minority noted that there is evidence in the record that Petitioner was arrested for operating a motor vehicle while impaired in 2017. In accordance with paragraph 7d of the Attachment to reference (e), the Board should consider negative post-service conduct, including any arrests, in determining whether to grant relief on the basis of an injustice. Such post-service misconduct suggests that Petitioner failed to rehabilitate himself long after his service ended, and significantly offsets those mitigating factors which otherwise may have weighed in favor of equitable relief.

6. Recommendations.

a. *Majority Recommendations.* Based upon its conclusions as discussed in paragraph 5 above, the Majority of the Board recommends that the following corrective action be taken upon Petitioner's naval record in the interests of justice:

(1) That Petitioner be issued a new DD Form 214 reflecting that his service ending on 29 July 1998 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 reentry code, are to remain unchanged.

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

(3) That no further corrective action be taken upon Petitioner's naval record.

b. *Minority Recommendation.* Based upon its conclusions as discussed in paragraph 5 above, the Minority of 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. The foregoing action of the Board is submitted for your review and action in accordance with Section 6e(1)(b) of Enclosure (1) to reference (i).

3/16/2026

[REDACTED]

Executive Director

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ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

- MAJORITY Recommendation Approved (Grant Relief – I concur with the Majority conclusions and therefore direct the corrective action recommended in paragraph 6a above.)
- X MINORITY Recommendation Approved (Deny Relief – I concur with the Minority conclusions and therefore direct that no corrective action be taken upon Petitioner’s naval record.)
- Petitioner’s Request Approved (Full Relief – I generally concur with the Majority conclusion that equitable relief is warranted based upon the totality of the circumstances, but do not believe that the corrective action recommended by the Majority goes far enough to serve the interests of justice. Specifically, I found that the mitigating circumstances did so significantly outweigh the severity of Petitioner’s misconduct such as to justify upgrading his discharge characterization to fully honorable. Accordingly, I direct that Petitioner be issued a new DD Form 214 reflecting that his service ending on 29 July 1998 was characterized as “Honorable”; that the narrative reason for his separation was “Secretarial Authority”; that his separation authority was “MILPERSMAN 1910-164”); that his separation code was “JFF”; and that his reentry code was “RE-1.” Petitioner shall also be issued an Honorable Discharge Certificate.)

[REDACTED]

Assistant General Counsel (M&RA)