



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

[REDACTED]
Docket No. 4323-2
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, [REDACTED]

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

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting upgrade of his discharge to General (Under Honorable Conditions)(GEN) with corresponding change to his narrative reason for separation. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 18 August 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, and 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.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active service on 10 May 2004.

d. On 7 April 2005, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA) for abandoning watch while on guard duty.

e. On 19 September 2008, Petitioner received NJP for wrongful use/possession of marijuana.

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f. Consequently, Petitioner was notified of administrative separation processing by reason of misconduct – drug abuse. He waived all rights available to him but for the right to obtain copies of documents used in the administrative separation process.

g. Petitioner's Commanding Officer (CO) recommended his discharge with an Other Than Honorable characterization of service stating, "[Petitioner] was found to be in possession of marijuana on board the [REDACTED]. This detection was made during a health and comfort inspection of the berthing areas. The marijuana was found hidden in a small area in his rack. At Captain's Mast...he admitted that the marijuana was in his rack but contend[ed] that someone planted [it] in his unlocked rack. I am not persuaded by his denial."

h. The separation authority approved the recommendation and Petitioner was so discharged on 2 December 2008.

i. Petitioner's performance overall trait average and conduct scores, prior to separation, were 3.45 and 3.0, exceeding scores of 2.5 required for an Honorable characterization

j. Post discharge, Petitioner applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade, contending his innocence. The NDRB denied his request, on 20 August 2009, based on their determination that his discharge was proper as issued.

k. Petitioner contends he is innocent and states he does not know how the small piece of foil with residue ended up in his locker. He argues his urine was clean and he had good evaluations. He does not believe his case was properly investigated and his CO said at mast that Petitioner had to be punished as an example to others. Petitioner states it still pains him that his naval career was cut short and, post-discharge, he earned his certification as an HVAC and Refrigeration Technician, and he worked his way up to employment at [REDACTED], as a Maintenance Aircraft Processor, where he builds helicopter cabins for the Navy, Coast Guard, DoD, and Homeland Security. In support of his application and for the purpose of clemency and equity consideration, Petitioner provided a letter to the Board with enclosures that included service record documents, three advocacy letters, and a congratulations letter from Lockheed Martin.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants relief. The Board reviewed his application under the guidance provided in reference (b).

The Board found no error in Petitioner's OTH characterization of service discharge 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, and given the totality of the circumstances, purely as a matter of clemency, the Board concluded Petitioner's discharge characterization should be changed to "General (Under Honorable Conditions)." In making this determination, the Board considered the overall quality of Petitioner's military service during his period of service that exceeded four years and the evidence Petitioner submitted that documented his post-discharge

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good character and accomplishments. Based on the same rationale, the Board also concluded that Petitioner's reason for separation, separation authority, and separation code should be changed to reflect a "Secretarial Authority" discharge.

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 General (Under Honorable Conditions) discharge characterization and no higher was appropriate. Additionally, the Board was not willing to change Petitioner's reentry code given his drug offense and unsuitability for further military service. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed in the recommended corrective action.

RECOMMENDATION

That Petitioner be issued a Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 2 December 2008, indicating he was discharged with a "General (Under Honorable Conditions)" characterization of service, narrative reason for separation of "Secretarial Authority," separation authority of "MILPERSMAN 1910-164," and separation code of "JFF."

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

That no further changes be made to 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 Regulation, 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.

8/27/2025

