



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

██████████
Docket No. 4372-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER ██████████
██████████ USN, XXX-XX-██████████

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 his characterization of discharge be upgraded to Honorable. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, 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. 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 18 March 1999.

d. On 16 June 2000, Petitioner received non-judicial punishment (NJP) for wrongful possession and use of marijuana.

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[REDACTED], USN, XXX-XX-[REDACTED]

e. On 21 July 2000, Petitioner received NJP for failure to obey a lawful order on two occasions, wrongful use of a controlled substance, and drunk and disorderly conduct. On 17 August 2000, Petitioner was again subject to NJP; however, his misconduct was not specified in his record.

f. Not all of the documents pertinent to Petitioner's administrative separation are present in his official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained in Petitioner's OMPF, the separation authority directed Petitioner's separation, on 24 August 2000, and he was discharged with an Other Than Honorable (OTH) characterization of service on 30 August 2000.

g. Petitioner previously applied to this Board for a discharge upgrade and was denied relief on 30 September 2024.

h. Petitioner contends there was no error in judgment regarding his discharge and his life has changed significantly since his discharge. He states he has been moving in a positive direction every day and thinks a change should be made to his record because he was not offered any assistance for drug and/or alcohol use in service. He also contends he got punished without considering the repercussions the discharge would have on getting his life. Petitioner admits he was lashing out against his superiors but is sure the outcome would have been different if he was offered assistance. For the purpose of clemency and equity, in support of his application, Petitioner provided a personal letter, a police background check, and multiple advocacy letters; including two current letters and five dated 2017.

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 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 evidence Petitioner submitted that documented his post-discharge good character and successful employment, and noted Petitioner's willingness to take responsibility for his misconduct.

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 Petitioner's multiple instances of misconduct, include drug offenses, outweighed the positive

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[REDACTED] USN, XXX-XX-[REDACTED]

aspects of his military record, and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate. Further, the Board determined Petitioner's narrative reason for separation, separation code, and reentry code remain appropriate based on his record of misconduct. 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 or Discharge from Active Duty DD (Form 214), for the period ending 30 August 2000, indicating he was discharged with a "General (Under Honorable Conditions)" characterization of service.

That no further changes be made to Petitioner's record.

That 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 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.

8/25/2025

