



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

██████████
Docket No. 6264-25
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) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

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 that his discharge be upgraded. Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 27 June 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 references (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 9 September 1992. After a period of continuous Honorable service and he immediately reenlisted on 15 May 2000.

c. On 16 November 2000, Petitioner was subject to NJP for two violations of Article 121 of the Uniform Code of Military Justice (UCMJ) due to wrongfully appropriating military property in the form of a credit card and stealing gasoline from the Navy Exchange.

d. Petitioner received a second NJP, on 25 January 2001, for violating Article 92 of the UCMJ by failing to obey an order to return after his medical appointment and, instead, going into

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town in his utility uniform to get a haircut. Consequently, he was notified of processing for administrative separation by reason of misconduct due to commission of a serious offense and elected to waive his right to a hearing before an administrative separation board.

e. The recommendation for his discharge under Other Than Honorable (OTH) conditions was approved by the Commander [REDACTED] on 16 February 2001. The petitioner was so discharged on 1 March 2001. Upon his discharge, he was issued a Certificate of Discharge or Release from Active Duty (DD Form 214) that omitted the period of continuous Honorable service for his first two periods of enlistment from his block 18 remarks.

f. Petitioner seeks a discharge upgrade but did not submit any specific contentions or supporting documents.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, the Board noted that Petitioner successfully served a period of continuous Honorable service from 9 September 1992 through 14 May 2000. This period of continuous Honorable service was not documented in his DD Form 214 and requires correction.

With respect to the misconduct which precipitated Petitioner's discharge during his third period of enlistment, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warranted relief in accordance with reference (b). These included, but were not limited to, Petitioner's desire to upgrade his discharge.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his last two NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and found that his conduct showed a complete disregard for military authority and regulations. The Board observed Petitioner was given an opportunity to correct his conduct deficiencies but chose to continue to commit misconduct; which led to his OTH discharge. Petitioner's conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of his command. The Board took into consideration, after more than seven years of service, Petitioner's failure to obey basic orders, such as returning as required after his medical appointment, showed his unwillingness to adhere to military authority and regulations.

As a result, the Board determined that there was no impropriety or inequity in Petitioner's discharge and concluded that his misconduct and disregard for good order and discipline clearly merited his discharge. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

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RECOMMENDATION:

That Petitioner be issued a Correction to Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 1 March 2001, to reflect the following comment added to the Block 18 Remarks section:

“CONTINUOUS HONORABLE SERVICE FROM 9SEP1992 TO 14MAY2000.”

That 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 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.

7/16/2025

[REDACTED]

Executive Director

Signed by: [REDACTED]