



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

█
Docket No: 7145-25
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) SECDEF Memo of 3 Sep 14 (Hagel Memo)
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)
(d) USD Memo of 25 Aug 17 (Kurta Memo)
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Advisory Opinion of 5 Dec 25

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 discharge characterization of service.

2. The Board consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 12 January 2026 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 his naval service records, and applicable statutes, regulations, and policies including references (b) through (e). Additionally, the Board considered enclosure (3), and advisory opinion (AO) from a qualified mental health professional, that was considered favorable to Petitioner.

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 did not file his application in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

b. Petitioner enlisted in the Navy and began a period of active duty on 9 July 1990. On 15 May 1993, Petitioner was honorably discharged after completing his obligated active duty service and transferred to the Navy Reserves. On 5 March 1996, Petitioner commenced a second period of active duty. Between 22 November 1996 and 31 December 1996, Petitioner had two

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periods of UA, totaling 35 days, which resulted in his conviction by summary court-martial (SCM). Petitioner was sentenced to reduction in rank, and a period of confinement. Consequently, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense. After Petitioner decided to waive his procedural rights, his commanding officer recommended Petitioner be discharged with a General (Under Honorable Conditions) (GEN) characterization of service. Subsequently, the separation authority approved a GEN discharge characterization and Petitioner was so discharged on 5 March 1997.

c. Petitioner contends he is entitled to a discharge upgrade based on his medical check out sheet and errors with his DD Form 214. Petitioner also asserts he suffered his first seizure and reported back to his command in confusion from medication and seizure disorder memory loss. He also checked the "TBI" box on his application.

d. For purposes of clemency consideration, Petitioner provided documentation in the form of copies of his Report of Medical Examination, Medical Records, Department of Veterans Affairs (VA) Decision Letter, and DoD ID Card.

e. In connection with Petitioner's assertions that he incurred a Traumatic Brain Injury (TBI) during military service, which might have contributed to his separation, the Board requested and reviewed an Advisory Opinion (AO) provided by a mental health professional. The AO stated in pertinent part:

During military service, the Petitioner was in process of evaluation for a possible seizure disorder. Post-service, he has received medical treatment for a seizure disorder considered to have onset during military service. The VA has granted service connection for head injury. It is possible that the Petitioner's UA may be considered avoidance consistent with a victim of an assault.

The AO concluded, "it is my considered clinical opinion that there is post-service evidence from the VA of a head injury that may be attributed to military service. There is post-service evidence from a civilian provider of a seizure disorder that may have onset during military service. There is post-service evidence from the Petitioner that his misconduct may be attributed to a head injury.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. The Board noted Petitioner's misconduct and does not condone his actions. However, in light of references (b) through (e) and the favorable AO, after reviewing the record liberally and holistically, given the totality of the circumstances, and purely as a matter of clemency, the Board concluded Petitioner's discharge characterization should be upgraded to "Honorable." In making this finding, the Board substantially agreed with the AO in that there is post-service evidence from the Petitioner that his misconduct may be attributed to a head injury. In addition, based on the same rationale, the Board determined it was in the

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interests of justice to change Petitioner's basis for separation to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action, the Board determined Petitioner's assigned reentry code remains appropriate based on his record of misconduct and unsuitability for further military service. Ultimately, the Board concluded that 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 5 March 1997, indicating he was discharged with an "Honorable" characterization of service, narrative reason for separation of "Secretarial Authority," the SPD code assigned of "JFF," and separation authority of "MILPERSMAN 1910-164."

That Petitioner be issued an Honorable discharge certificate.

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.

1/20/2026

