



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

██████████  
Docket No. 7351-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL ██████████  
██████████

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 and he be reinstated to the paygrade of E-2. Enclosure (1) applies.

2. The Board, consisting of ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 29 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, 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. 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 21 October 1963. His obligated service end date was 26 January 1967.

c. Petitioner was absent without authority, from 20 June 1965 to 23 June 1965, due to having been arrested for alleged automobile theft. He was returned to military authority after his release and his service record does not subsequently document any civil conviction stemming from this arrest. However, on 6 July 1965, he was subject to non-judicial punishment (NJP) for violation of Article 86 of the Uniform Code of Military Justice (UCMJ) due to his period of unauthorized absence (UA).

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
USN: [REDACTED]

d. Petitioner participated in Operation [REDACTED] in the contiguous waters off the coast of Vietnam from 31 October – 22 November 1965, for which he was awarded the Vietnam Service Medal. He also received hostile fire pay in January 1966 and February 1966.

e. Petitioner received his second and third NJPs, on 6 January 1966 and 9 March 1966, respectively, both for violation of Article 92 of the UCMJ due to dereliction in the performance of his duties. Although the reduction in grade from his second NJP had been suspended for a period of six months, it was not vacated incident to his third NJP. Rather, he was reduced to the paygrade of E-2 due to his third NJP. He also received a fourth NJP, on 10 August 1966, for another violation of Article 86 of the UCMJ due to failure to go to his appointed place of duty.

f. On 12 August 1966, Petitioner absented himself without authority and remained absent until apprehended by shore patrol on 23 August 1966. Following his return to his command, on 2 September 1966, he received a fifth NJP for UCMJ offenses of Article 86, for his period of UA, Article 87, for missing the movement of his ship, and Article 134, for breaking restriction imposed as a result of his fourth NJP. He was subsequently placed into correctional custody for 30 days.

g. Petitioner incurred another brief period of UA, from 30 October 1966 to 31 October 1966. He received his sixth NJP for the Article 86 violation and missing ship's movement; which resulted in his reduction to the paygrade of E-1 and another 30 day period of correctional custody.

h. Notwithstanding that his end of obligated active service was imminently approaching, Petitioner began a final period of UA on 6 January 1967. The UA continued until his voluntary surrender to shore patrol on 7 February 1967. As a result, he accepted Summary Court-Martial (SCM) and, on 8 March 1967, was convicted of a final UCMJ offense for his violation of Article 86. His sentence included another reduction to the paygrade of E-1 and 25 days confinement at hard labor.

i. Petitioner's Report of Transfer or Discharge (DD Form 214) documents 68 days of lost time, including his period of confinement, which would have resulted in an adjustment to his end of active obligated service (EAOS). Likewise, Petitioner's Record of Discharge, Release from Active Duty, or Death (NAVPERS 601-14) documents, under his disposition data, a "NORMAL DATE OF EXPIRATION OF ENLISTMENT" of 5 April 1967, reflecting an adjustment to his EAOS.

j. Petitioner's NAVPERS 601-14 was prepared on 7 April 1967, which is the same date that Petitioner was issued an administrative counseling remark advising him of the following (emphasis added): "I am being involuntarily separated from the U.S. Navy *prior to the normal expiration of my enlistment.*" A same page entry that same date recorded that Petitioner was not recommended for reenlistment due to having a tenth grade education or less and/or GCT of 41 or

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
USN, [REDACTED]

less,<sup>1</sup> having served more than 12 months, possessing no potential as a petty officer; and, being assigned “average performance marks below the minimum required for honorable separation.”<sup>2</sup>

k. Petitioner’s administrative remarks page, NAVPERS 601-14, and DD Form 214 are the only documents pertaining to his separation. The NAVPERS 601-14 identifies that the authority for his separation was “BuPers Man. Art. C-10306(5)” with a reason for separation of “Convenience of the Government” and a character of discharge of general, under honorable conditions. Additionally, the separation code of “21B” is identified in his DD Form 214.<sup>3</sup>

l. Petitioner contends that he served as a minor, between the ages of 17 to 21 years of age, and was very immature during his military service. He now knows that he would have made different choices, in retrospect, if he had it all to do over again. He is embarrassed that he did not receive a fully Honorable discharge and would like to correct this major mistake of his life.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner’s request warrants partial relief. The Board reviewed his application under the guidance provided in reference (b) intended to be covered by this policy.

The Board noted Petitioner’s misconduct and does not condone it. Additionally, the Board observed that Petitioner did not submit any supporting evidence for consideration of relief on the basis of clemency. With respect to Petitioner’s request to change his paygrade, the Board found insufficient evidence to warrant relief. Rather, the Board found that Petitioner received multiple NJPs as well as a SCM conviction, due to his own misconduct, which resulted in his reduction in rank. The Board observed no error or injustice in those punishments and, therefore, concluded that his final paygrade of E-1 was both correct and fair in light of the totality of the misconduct which resulted in his loss of rank prior to the completion of his obligated service.

However, the Board noted that Petitioner completed his obligated service *prior* to his “involuntary administrative discharge” for convenience of the government, notwithstanding the assertion in the administrative counseling entry of 7 April 1967. In fact, it is clear that Petitioner’s EAOS<sup>4</sup> was known to have already passed the time this counseling entry was made.

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<sup>1</sup> However, this reason was lined out on the entry.

<sup>2</sup> At the time of Petitioner’s discharge, the minimum marks for an honorable discharge were a 2.7 overall trait average and a 3.0 conduct trait average.

<sup>3</sup> The specified separation code of “21B” appears to refer to the specific basis “By reason of low GCT” score, which appears in BUPERSINST 1900.2A of 27 June 1956, but had become obsolete by the time BUPERSINST 1900.2C was published on 13 April 1964, nearly 3 years prior to Petitioner’s discharge. The 1964 version does not include a specific reason associated with a code of “21B.”

<sup>4</sup> In this regard, the Board found it unnecessary to determine the precise date of Petitioner’s EAOS, whether it was accurately recorded in his NAVPERS 601-14 as 5 April 1967, because the record clearly reflects that the government was, at a minimum, aware that his EAOS had already passed prior to initiating involuntary administrative separation. Although the government clearly knew his normal EOAS had already passed, the Board found it unnecessary to consider whether the involuntary separation was committed in bad faith, given the resulting injustice and practical consequences the error.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
USN, [REDACTED]

Additionally, a subsequent, same-page counseling entry on the same date inaccurately identified that Petitioner's "average performance marks" were below the minimum required for an Honorable discharge, when it was his conduct which fell below the minimum, not his performance or overall average.<sup>5</sup> Regardless, Petitioner was erroneously informed that his separation was *involuntary* and that it was occurring *prior* to his normal expiration of enlistment; which resulted in his receipt of a DD Form 214 erroneously reflecting an involuntary separation by convenience of the government and a separation code which was no longer used. In fact, the Board found that the "21B" separation code was not only improper due to lacking regulatory authority, it unjustly reflected that Petitioner had been involuntarily separated from service due to intellectual deficiency; even though he had completed the full term of his minority enlistment.

As a result, the Board found that both the stated separation authority, with its associated narrative reason, and the separation code reflected unfairly upon his service and stood in contrast to the correct basis for discharge, i.e. the normal expiration of his term of enlistment. In light of this error, that resulted in an injustice which Petitioner has lived with for more than 50 years since his discharge, and in consideration of his overall trait average, his service in theater in during the Vietnam War, and the relatively minor nature of his misconduct, the Board concluded that, in addition to correcting the actual error with respect to the narrative reason for separation, separation code, and separation authority, Petitioner's discharge also warrants the requested upgrade of characterization.

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

#### RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending 7 April 1967, he was discharged with an "Honorable" characterization of service, under the authority of "BUPERS C-10304 (202)" and with a narrative reason for separation of "Expiration of Term of Enlistment."

That Petitioner be issued an Honorable Discharge certificate.

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

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<sup>5</sup> The Board acknowledged that this minor inconsistency did not render Petitioner's characterization under type warranted by service as Honorable.

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

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

9/18/2025

