



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 7399-25
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, that his narrative reason for separation and separation code be changed to reflect Secretarial Authority, and that his reentry code be changed to RE-1. Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 8 May 2026 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.

b. 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.

c. Petitioner enlisted in the Navy and began a period of active duty on 16 August 1979.

d. From 4 March 1980 through 24 March 1980, Petitioner was in an unauthorized absence status which terminated with his voluntary surrender. Following his return, he received nonjudicial punishment (NJP) for violation of Article 86, Uniform Code of Military Justice, for three specifications of unauthorized absences (UAs).

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e. Petitioner incurred an 11-hour, 45 minute period of UA on 16 July 1980 UA. As a result, on 31 July 1980, he received his second NJP for violations of Article 86, UCMJ, due to his UA period, and Article 85, UCMJ, for missing movement of his ship.

f. On 4 November 1980, Petitioner received a third NJP for again violating Article 86, UCMJ, due to a period of UA when he left his duty post before being properly relieved.

g. On 6 July 1981, Petitioner received a fourth NJP for multiple UCMJ violations, to include an Article 86 violation due to another UA period, Article 133, for being drunk and disorderly while in uniform, Article 134, for being drunk and disorderly aboard the ship, Article 134, for threatening to injure a superior petty officer, and Article 134, for wrongfully appearing aboard the ship with an unclean uniform.

h. On 11 August 1981, Petitioner received his final NJP for UCMJ violations, to include Article 78, for neglecting to report an incident, Article 92, for two specifications of drinking while on restriction and drinking while aboard ship, Article 134, for drinking on duty, and Article 134, for wrongful receipt of stolen property.

i. Petitioner incurred another period of UA from 17 December 1981 through 23 December 1981, which was terminated by his voluntary surrender.

j. On 11 February 1982, Petitioner was tried and convicted by Special Court-Martial (SPCM) for multiple violations of the UCMJ, to include Article 86, for his period of UA, Article 89, for disrespect toward a lieutenant/superior commissioned officer, Article 134, for being drunk and disorderly aboard ship, Article 134, for wrongfully communicating a threat to injure petty officer, and Article 90, for assaulting a superior commissioned officer. He was sentenced to reduction to paygrade of E-1, 40 days confinement at hard labor, \$350 forfeiture of pay per month for 2 months, and a Bad Conduct Discharge (BCD).

k. After the findings and sentence of Petitioner's SPCM proceedings were affirmed upon appellate review, his BCD was executed on 26 July 1983.

l. Petitioner contends that he has rehabilitated himself since his discharge and has helped better his community and township, to include helping animals in the local area and working as a public servant for several townships. He submits multiple letters of support attesting to his commitment to bettering his community, including assisting ill friends with medical appointments. Additionally, he submits that he has been married for 34 years, retired in 2021 after 25 years of service to the state of [REDACTED], worked for construction and sewer plant pumping stations, obtained his hazmat tanker license to transport and deliver propane, worked for the public works department managing parks and grounds, routinely volunteers at an animal orphanage, helps trap and spay or neuter stray animals to prevent with overpopulation, is financially stable and purchased his second home in 2024, is now "born again" and recognizes that drunkenness is a sin, realizes that he couldn't handle alcohol responsibly in his youth and was young, stupid, and out of control. In support of his application, Petitioner submitted his legal counsel's brief, a personal statement, reference (b), employment verification, letters of support, character letters, and a letter attesting to his volunteerism.

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CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief.

The Board initially concluded Petitioner was appropriately discharged with a BCD based on his SPCM conviction and sentence. The Board noted Petitioner did not deny committing the misconduct that formed the basis of his SPCM conviction. Therefore, the Board determined the presumption of regularity applies to Petitioner's BCD and no error exists with his record.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, Petitioner's desire for an upgrade to his characterization of service with changes to his reason for separation and reentry code, Petitioner's contentions, the totality of Petitioner's service to include service highlights, Petitioner's relative youth and immaturity at the time of his misconduct, Petitioner's rehabilitation efforts, Petitioner's post-service record of accomplishments, Petitioner's candor and remorse, Petitioner's service to his community, the harshness of Petitioner's punishment, the evidence Petitioner provided in support of his application, Petitioner's advanced age, the character references Petitioner provided for review, and the passage of time since Petitioner's discharge.

The Board found that the mitigating factors were sufficient to justify some equitable relief. The Board noted Petitioner's cycle of repeated misconduct and does not condone it; however, the Board considered the totality of circumstances to determine whether relief was warranted on the basis of clemency consistent with reference (b). The Board observed that Petitioner has committed his life toward serving her community in fields of public service, to include being licensed and authorized to transport hazardous materials. Additionally, his numerous letters of support attest to his good character and reputation within his community, in addition to providing evidence of his commitment toward volunteer activities which positively impact the state of wildlife by reducing the stray animal population. As a result, the Board found that the favorable factors Petitioner submitted for consideration of clemency based on his post-service character outweighed the misconduct evidenced by his five NJPs and SPCM. Accordingly, the Board determined that it is in the interest of justice to upgrade Petitioner's characterization of service to General (Under Honorable Conditions) and change his basis for separation to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board determined no further equitable relief was warranted. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of Petitioner's misconduct led them to conclude that his service was not Honorable. Further, based on Petitioner's extensive record of misconduct and unsuitability for further military service, the Board determined his reentry code remains appropriate. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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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 on 26 July 1983, he was discharged with a "General (Under Honorable Conditions)" characterization of service, separation authority of "MILPERSMAN 3630900," narrative reason for separation of "Secretary Plenary Authority," and separation code of "JFF." That all other information currently listed on Petitioner's DD Form 214 remains the same.

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.

6/2/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]