



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

██████████
Docket No. 9015-25
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, ██████████

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with the Board for Corrections of Naval Records (Board), requesting that his naval record be corrected to upgrade his characterization of service and to make other conforming changes to his DD Form 214.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 20 March 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, 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 interests of justice to review the application on its merits.

c. The Petitioner enlisted in the U.S. Navy and began a period of active service on 6 October 1981. The Petitioner's enlistment physical examination, on 27 February 1981, and self-reported medical history both noted no psychiatric or neurologic issues, symptoms, or history. On or about 27 January 1982 Petitioner reported for duty on board the ██████████ (██████████) in ██████████, ██████████.

d. On 25 June 1982, Petitioner received non-judicial punishment (NJP) for violating a lawful general order/regulation by his wrongful possession and/or use of marijuana. Petitioner did not appeal his NJP. On the same day, Petitioner's command placed a "Page 13" counseling

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entry (Page 13) in his service record documenting his poor performance and frequent involvement of a discreditable nature with military authorities. Petitioner acknowledged that, if he continued in his present trend, he may be processed for discharge by reason of misconduct. Petitioner also certified that if he was processed for discharge by reason of misconduct, he could receive a discharge under Other Than Honorable conditions (OTH). Petitioner also received a second Page 13 entry, on the same day, documenting his NJP and for also being a drug abuser. The Page 13 advised him that any further misconduct of a discreditable nature with either civilian/military authorities, or his continued drug abuse, may be grounds for administrative separation processing for an OTH discharge by reason of misconduct.

e. On 19 October 1983, Petitioner received NJP for: (a) larceny when he stole a Pentax camera and five camera lenses from another Sailor on board his ship, (b) the wrongful and knowing use of a controlled substance, to wit, marijuana, and (c) the willful disobedience of a superior commissioned officer.

f. On 28 October 1983, Petitioner's command notified him of administrative separation proceedings by reason of misconduct due to drug abuse. Prior to electing his rights, Petitioner consulted with qualified counsel. On 31 October 1983, Petitioner elected his rights (in writing) to submit written statements and to request a hearing before an administrative separation board (Adsep Board).

g. On 3 February 1984, an Adsep Board convened in Petitioner's case. At the Adsep Board, Petitioner was represented by counsel and provided sworn testimony on his own behalf. Following the presentation of evidence and any witness testimony, the Adsep Board members unanimously recommended that Petitioner should be separated with a "General (Under Honorable Conditions)," (GEN) discharge characterization.

h. On 11 April 1984, Petitioner's commanding officer (CO) recommended to the Separation Authority (SA) that Petitioner receive a GEN characterization of service. On 26 April 1984, the SA approved and directed Petitioner's discharge for misconduct due to drug abuse with a GEN discharge characterization. However, on 1 May 1984, Petitioner was discharged from the Navy for misconduct with an erroneous OTH characterization of service and assigned an RE-4 reentry code.

i. Petitioner requested clemency in the form of a discharge upgrade "to the highest possible level," as well as certain conforming changes to his DD Form 214. In short, Petitioner contended that the discharge upgrade should be made due to the fact that he had grown tremendously since 1984 - from a young homesick kid who made a few mistakes while serving his country, to a grown, God-fearing Deacon of his church, a loving husband, father and grandfather, a certified electrician, and devoted community leader as an active member of his local NAACP Chapter.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's requests warrant partial relief. Specifically, as previously discussed, the Board

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determined Petitioner was erroneously assigned an OTH characterization of service despite being approved for a GEN characterization of service by the SA. Therefore, that aspect of his DD Form 214 requires correction.

Notwithstanding the recommended corrective action, the Board determined no further relief was warranted.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. While the Board carefully considered Petitioner's contention of mitigation, the Board noted he did not deny committing the misconduct that formed the basis for his administrative separation and GEN characterization of service. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error, other than one discussed previously, 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, his contentions, the totality of his service, the non-violent nature of his misconduct, his relative youth and immaturity at the time of your misconduct, his rehabilitation efforts, his post-service record of accomplishments, his candor and remorse, his service to your community, his advanced age, the character references he provided for review, and the passage of time since his discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of Petitioner's misconduct far outweighed all of the mitigating factors combined. In particular, the Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. Further, the Board found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed he was given multiple opportunities to correct his conduct deficiencies but chose to continue to commit misconduct, which led to his GEN 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 also determined Petitioner already received a measure of clemency when he was assigned a GEN characterization of service despite the frequency and nature of his misconduct that included two incidents of drug abuse, disobeying orders, and larceny from a shipmate onboard. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the gravity of Petitioner's misconduct led them to conclude that his service was not Honorable. Lastly, based on the same rationale, the Board did not find a material error or injustice with the Petitioner's original narrative reason for separation and RE-4 reentry code.

RECOMMENDATION:

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

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That Petitioner be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty indicating, for the period ending 1 May 1984, that he was discharged with a "General (Under Honorable Conditions)" characterization of service. All other information on the DD Form 214 shall remain the same.

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 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.

3/25/2026

