



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

██████████
Docket No. 10517-25
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 with attachments
(2) Case summary

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 Other than Honorable characterization of service on his Certificate of Release or Discharge from Active Duty (DD Form 214) to Honorable. Enclosures (1) and (2) applies.

2. The Board consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 11 May 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 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, the statute of limitation was waived in the interests of justice.

c. Petitioner enlisted in the Navy with a waiver and began a period of active duty on 21 October 1993. As part of his enlistment processing, Petitioner admitted to preservice use of marijuana.

d. On 17 October 1994, Petitioner was charged with driving under the influence (DUI) and was apprehended by civil authorities. Consequently, he was in an unauthorized absence status from 19 October 1994 through 25 October 1994.

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

e. Between 13 February 1995 and 15 February 1995, Petitioner was counseled on two occasions after being identified as alcohol dependent and alcohol abuse resulting in DUI. Petitioner was advised that failure to take corrective action could result in administrative separation.

f. On 14 June 1995, Petitioner successfully completed the Navy Level III Alcohol Rehabilitation Program. Subsequently, Petitioner was counseled that involvement in a subsequent substance abuse related incident or failure to satisfactorily complete any aspects of his treatment aftercare program will be grounds for administrative separation from the Navy as a rehabilitation failure.

g. On 20 May 1997, Petitioner tested positive to wrongful use of a controlled substance-cocaine.

h. Unfortunately, documents pertinent to Petitioner's administrative separation are not in his official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that he was separated from the Navy, on 26 October 1997, with an Other Than Honorable (OTH) characterization of service, narrative reason for separation of "Misconduct," separation code of "CKK," and reentry code of "RE-4."

i. Post-discharge, Petitioner applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied his request, on 3 June 2011, after determining his discharge was proper as issued.

j. Petitioner believes he deserves this request and fully understands the seriousness of his past misconduct. He acknowledges making poor decisions during a difficult time in his life and states he has paid dearly for them through an OTH discharge that has weighed heavily on him for the past 28 years. Petitioner asserts that since his discharge, he has rebuilt his life and become a productive member of society. He earned both Bachelor's and Master's degrees and has worked as a schoolteacher, including teaching GED classes to prison inmates and core subjects to juveniles seeking high school diplomas. Petitioner states his goal has been to help others become productive members of society. Petitioner contends that prior to failing a random drug test in 1997, he maintained good evaluations and received a Good Conduct Medal. He emphasizes the incident was isolated and not reflective of his overall service. Petitioner also states that his Officer in Charge previously attempted to have his discharge upgraded to General, but the request was denied. Petitioner further states he has lived an honorable and law-abiding life since separation and has letters of support from his former Division Chief and Leading Petty Officer supporting his request. He respectfully asks the Board to consider his rehabilitation, post-service accomplishments, and overall service in support of upgrading his discharge to Honorable. In support of his application, Petitioner provided the aforementioned letters of support and copies of his degree certificates.

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

CONCLUSION:

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

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, 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 evidence Petitioner provided in support of his application, 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. Specifically, after reviewing the record 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 "General (Under Honorable Conditions)." In making this finding, the Board determined Petitioner's post-discharge accomplishments and good character outweighed the severity of his misconduct sufficiently to support the recommended relief.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. In making this determination, the Board noted Petitioner was provided an opportunity to correct his conduct issues but continued to commit misconduct. 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. Additionally, based on the same rationale, the Board determined Petitioner's narrative reason for separation, separation authority, separation code, and reentry code remains appropriate.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 26 October 1997, indicating his character of service as "General (Under Honorable Conditions)." 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.

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

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.

6/3/2026

