



Docket No. 42-26
Ref: Signature date

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

Subj: REVIEW OF NAVAL
██████████XXX-XX-1279

Ref: (a) Title 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments
(2) Naval Record (excerpts)

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 characterization be upgraded to Honorable.
2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 February 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 enclosure (1) was not filed in a timely manner, the statute of limitations was waived in the interests of justice.
 - c. Petitioner enlisted in the Navy and began a period of active duty on 18 December 2002.
 - d. A Report of Medical History, dated 15 March 2004, indicated that Petitioner had received treatment for possible alcohol poisoning and that he was being administratively discharged in part due to alcohol rehabilitation treatment failure. Petitioner's administrative separation package is not reflected in his official military personnel file (OMPF).
 - e. Based on his Certificate of Release or Discharge from Active Duty (DD Form 214), on 16 March 2004, Petitioner was discharged from the Navy on the basis of Alcohol Rehabilitation

Failure with a General (Under Honorable Conditions) (GEN) characterization of service and a reentry code of RE-4.

f. Petitioner asserts that his underage drinking and alcohol treatment failure do not accurately reflect the quality of his service. He contends that his separation was due to underage drinking after work and on weekends and, but for being underage, he would have had a stellar Navy career. He notes that he voluntarily requested and completed rehabilitation, and that he is now an addictions counselor. He claims that Navy would be proud of the man he is today.

g. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which included his DD Form 149 and the evidence he provided in support of it.

CONCLUSION:

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

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his failure to adhere to his alcohol rehabilitation treatment plan. While the Board carefully considered Petitioner's contention for mitigation, the Board noted he admitted to continuous underage consumption of alcohol. Therefore, the Board determined the presumption of regularity applies to the finding that Petitioner committed the conduct that formed the basis of his administrative separation and no error exists with GEN characterization of service.

However, 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 contentions, the totality of his service, the non-violent nature of Petitioner's conduct, Petitioner's relative youth and immaturity at the time, Petitioner's rehabilitation efforts and post-service record of accomplishments, Petitioner's candor and remorse, Petitioner's service to his community, and the passage of time since Petitioner's discharge.

The Board found that the mitigating factors were sufficient to justify partial equitable relief. Specifically, while the Board does not condone Petitioner's misconduct, the Board found that the severity of his misconduct was outweighed, in part, by Petitioner's post-service mitigation evidence. Therefore, the Board determined it was in the interests of justice, purely as a matter of clemency and equity, to change Petitioner's reason for separation to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's characterization of service remains appropriate. With regard to Petitioner's request for a discharge upgrade, 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 found that Petitioner's alcohol related conduct showed a complete disregard for military authority and regulations. The Board observed Petitioner was given an opportunity to correct his alcohol

related 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. Finally, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of Petitioner's discharge to Honorable to be warranted in the interests of justice. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and cumulative effect of Petitioner's misconduct led them to conclude that his service was not Honorable. Based on the same rationale and Petitioner's unsuitability for further military service at the time, the Board also determined Petitioner's reentry code remains appropriate.

RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214 reflecting that, for the period ending 16 March 2004, Petitioner was discharged with a narrative reason for separation of "Secretarial Authority," separation code of "MILPERSMAN 1910-164," and an SPD code of "JFF."

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.

2/26/2026

