



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

██████████  
Docket No. 7683-23  
Ref: Signature Date

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██  
██

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your 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 your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 13 October 2023. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to the understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on evidence of record.

You enlisted in the Navy and served from 27 February 2006 through 25 May 2006, and you were honorably discharged to accept a commission. You commissioned into the Navy on 26 May 2006 to serve on active duty. You signed your first classified information nondisclosure agreement on 18 July 2006. Subsequently, you were designated as an Intelligence Officer on 23 December 2008 after achieving the necessary professional qualifications. You were subsequently designated as an Information Dominance Warfare Officer on 25 January 2011. The investigation required for determination of your eligibility for access to Top Secret – SCI information began on 13 December 2001, and your clearance date was approved 4 January 2012.

On 29 July 2016, prior to departing for a temporary duty assignment, you gathered materials from your desk into a courier bag used to transport classified information without examining

each paper individually, but knowing that some of the documents were classified. You elected to take the bag home for the weekend in addition to a 2-day leave period, retaining the materials in your personal quarters in spite of having examined the materials and having determined the classification of each document. You subsequently failed to report the mishandling and, instead, placed the materials and courier bag back into your office. In November of 2016, a computer program intercepted an SF-86 attachment which disclosed your mishandling of classified information and made it clear that you had actual knowledge of the wrongfulness of your actions. You admitted to this mishandling during a pre-hiring phase with the Federal Bureau of Investigations (FBI).

A report of your offense was completed on 16 May 2018, assessing that you had committed a violation of the Uniform Code of Military Justice (UCMJ) under Article 92 through willful dereliction of duty by failing to properly safeguard classified materials from 29 July 2016 through 3 August 2016. You accepted nonjudicial punishment (NJP) for your offense, which was conducted on 6 June 2018. During the proceedings, when questioned why you did not return the documents upon discovery of the classifications, you admitted that you acted out of your own convenience, and you were issued a written punitive letter of reprimand. In the report of NJP forwarded on 11 July 2018, Commander, Office of Naval Intelligence, recommended that you not be detached for cause, not have your promotion withheld, and not be required to show cause for retention. However, you were required to show cause, and a Board of Inquiry (BOI) was convened on 10 December 2018 to determine whether the bases of misconduct and/or substandard performance of duty were met by a preponderance of the evidence. The BOI substantiated both bases and recommended separation under honorable conditions. Your personal statement in response to the BOI included 12 character letters in support of your retention, to include five letters which were from active or recently retired flag officers with whom you had previously served.

A letter from the Chief of Naval Personnel (CNP) to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN M&RA) forwarded the BOI, concurring with the recommendation. In this correspondence, CNP noted that, during your pre-hiring interviews with the FBI, you had admitted to mishandling classified material on numerous occasions since May of 2006 (your initial commissioning date) as well as having solicited prostitutes while holding a Top Secret clearance. ASN (M&RA) approved your separation, and you were discharged under honorable conditions on 30 June 2019 without further punitive action.

You previously applied to the Naval Discharge Review Board (NDRB) for both documentary review as well as an in-person (telephonic or video) interview. Both reviews to potentially grant relief on the basis of equity in light of your overall record of service were found to be unwarranted upon Secretarial review. On 23 June 2021, the Secretarial Review Authority (SRA) conducted a review of your first request to NDRB and determined that your “conduct displayed wanton disregard for the safeguarding of our Nation’s classified information that cannot be excused.” Following your personal appearance before the NDRB, a second SRA was conducted on 22 September 2022 with respect to the NDRB’s decision and found that the seriousness of your misconduct outweighed the totality of your service and that your discharge was equitable in comparison to other service members who have committed similar misconduct.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These

included, but were not limited to, your desire to upgrade your discharge to “Honorable” and to change your narrative reason for separation. You contend, in addition to the contentions previously raised before the NDRB, that you currently serve in a position with Amazon Web Services which requires that you maintain a Top-Secret clearance for your job-related duties, that you consider yourself privileged to have been vetted for the highest level of clearance, and that this review took into account your professional record and conduct as well as your post-discharge character with respect to the granting of your current security clearance, even after consideration of the security offense for which you were separated. You additionally argue there exists an error of discretion in your discharge that prejudiced your rights and raises substantial doubt that your discharge would have remained the same absent that error, your discharge was inconsistent with the standards of discipline in the U.S. Navy, the quality of your service record and demonstrated capability to serve merits relief, and your post-military status merits clemency after consideration of your subsequent graduated education, your employment status, and your continued eligibility for a clearance. For purposes of clemency and equity consideration, the Board considered the evidence you submitted in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP, outweighed these mitigating factors. The Board carefully and fully reviewed the record of proceedings incident to your misconduct and discharge and found no error or injustice. The fact that subordinate officers within the Department of the Navy supported your retention and even promotion does not alter the final authority with respect to the decision that you were required to show cause or the decision by ASN (M&RA) that your misconduct and substandard performance warranted separation. The Board wholly concurred with the SCA with respect to the severity of your offense and with the assessment that your separation under honorable conditions was equitable in comparison to other service members who have committed similar misconduct, even upon consideration of your record of military service and the numerous letters of support attesting to such.

With respect to the matters you submitted regarding post-discharge accomplishment for consideration of clemency, the Board finds your post-discharge behavior consistent with that which would normally be expected of any otherwise competent former officer who had obtained qualifications to serve at a higher level within the intelligence community. Whereas you appear to consider your ability to regain your clearance for access to classified information to serve as a testament to your post-discharge character, the Board noted the additional misconduct referenced by CNP in his recommendation to ASN (M&RA), which you appear to have admitted to the FBI, regarding repeated mishandling of classified information throughout your career as well as participation in prohibited solicitation of sex workers. The Board determined this misconduct not only contributes adversely to sex-trafficking but also places you further at risk of compromise with respect to the security of our Nation’s most vital information. In short, the Board found that, rather than being a favorable factor for consideration of clemency, it is more so concerning that you continue to have access to classified information through your civilian employment notwithstanding your admittedly dubious history with respect to proper handling of such material. The Board determined that you were fortunate to receive a General (Under Honorable Conditions) characterization based on your self-admitted record of misconduct. As a result, the Board concluded significant negative aspects of your service outweigh the positive aspects and continues to warrant a General (Under Honorable Conditions) characterization. While the Board carefully considered the evidence you submitted in mitigation, even in light of

the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity is attached to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

11/2/2023

