



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

██████████
Docket No. 4848-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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.

A three-member panel of the Board, sitting in executive session, considered your application on 5 December 2024. The names and votes of the members of the panel 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 this 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. In addition, the Board considered the Staff Judge Advocate (SJA), United States Naval Academy (USNA), Advisory Opinion (AO) contained in memorandum of ██████████. After the e-mail providing the AO for your review was returned as undeliverable, a 30-day letter was mailed to your provided mailing address. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

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

You requested expungement of your debt which resulted from your involuntary separation from the USNA. You contend you “made a mistake” by choosing to go out on liberty with a friend after signing TAPS and were unjustly accused of lying about returning before liberty expired. Additionally, you contend you were charged with an honor offense but the peer you went on liberty with did not receive the same consequences. Further, you contend you “did everything [you] could to graduate” and “worked hard at [your] classes and [your] remediation.” Additionally, you contend your “mental health was unstable,” you were “suicidal and terrified,” “no one supported [you],” and you were treated “as if [you] had committed a felony” when all you had done was make a mistake. You further contend “the injustice made was due to racial prejudice” against you, a black athlete, as evidenced by the fact your liberty friend was white. You stated there were “many moments where [you] felt as if [your] race affected the way [your] company officer and leadership decided on [your] separation” as compared to the “overwhelming support from [your] peers and peer leadership.” You

also argue your company officer “did not forward [your] white peers for separation who lied about their fitness test results around the same time.” In conclusion, you contend you were “honorably discharged,” “never broke the law,” and wanted to serve as a Surface Warfare Officer but the USNA “decided to waste their investment in [you].”

The Board, having reviewed all the facts of record pertaining to your allegations of error and injustice, found as follows:

Before applying to this Board, you exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

On 27 April 2019, Deputy Commandant, USNA, awarded demerits, restriction, loss of privileges, conduct probation and remediation, and loss of leave after it was determined you were underage drinking at a party at ██████████ and were absent without authority from TAPS.

On 27 November 2019, the USNA Officer of the Watch found you “exuding a strong smell of alcohol” and you admitted to underage drinking. Commandant, USNA, adjudicated this misconduct offense and awarded demerits, restriction, loss of leave, six additional months of conduct probation, four additional months of conduct remediation, non-representation status for four soccer games, and participation in an alcohol abuse education program.

On 15 September 2021, you pled guilty at a Brigade Honor Board (BHB) to plagiarizing a poetry assignment. You acknowledged you had used an unauthorized outside source to complete the assignment, even after the same professor had previously counseled you after suspecting plagiarism earlier in the semester, a counseling you subsequently lied about receiving.

On 10 November 2021, Commandant, USNA, found you guilty of plagiarism and lying; awarded you restriction, loss of leave, loss of privileges, six months of honor probation and remediation, and an aptitude grade of “F;” but retained you.

On 26 February 2022, you lied to the Command Duty Officer (CDO) about your whereabouts, stating you were in ██████████ and denied being at the pub. Later that night, when the CDO was conducting bed checks, you again lied to the CDO.

On 29 March 2022, the BHB convened to assess the alleged 26 February 2022 misconduct. You pled “not guilty,” claiming you did not recall speaking with the CDO and were too intoxicated at the time to understand any questions being asked. Despite your claims, the BHB found by a vote of 8 to 1 that you violated the USNA Honor Concept. The BHB, by a vote of 9 to 0, recommended your separation because the BHB did not believe you were genuinely remorseful or forthcoming during the BHB.

On 18 April 2022, through counsel, you submitted a request to the Commandant for retention/remediation and a statement in mitigation of the honor violation.

On 20 April 2022, Commandant, USNA, after conducting a personal interview with you, recommended separation to the Superintendent. In his recommendation, the Commandant noted your repeated violations of the rules and your willingness to compromise your integrity after being given numerous opportunities for growth and remediation reflected you did not have the character required of a commissioned officer. Additionally, the Commandant noted you failed Honor Remediation despite the concerted efforts of an experienced USNA Honor Remediator assigned to help you learn from your mistakes and improve your performance.

By memorandum of ██████████, Commandant, USNA, concurring with the BHB findings, forwarded your honor case to the Superintendent for review and approval. The Commandant also recommended separation based on your honor remediation failure.

After you were notified by the Assistant SJA that you could submit statements/documentation in your defense or for extenuation/mitigation purposes, on 4 May 2022, Superintendent, USNA, interviewed you and “engaged in lengthy discussion with [you] and [your] chain of command regarding [your] offenses.” Believing that your “pattern of repeated misconduct and lack of judgment and maturity demonstrated [you were] not prepared to be a commissioned officer,” the Superintendent recommended separation.

By memorandum of ██████████, Superintendent, USNA, forwarded his recommendation for disenrollment and monetary recoupment to Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN (M&RA)). The Superintendent detailed your two prior major conduct offenses for underage drinking, your prior honor offense for plagiarizing a poetry assignment, and your honor offense while still on honor probation and remediation. The Superintendent stated you had been given “a second, third, and fourth chance,” but “instead of learning and growing from [your] mistakes, [you] squandered those opportunities by choosing time and again to compromise [your] integrity.” Finding that your “pattern of misconduct and lack of judgment, maturity, and moral courage on the eve of graduation” demonstrated you were not suited for military service nor earned the right to commission as an officer in the United States Navy, the Superintendent recommended fulfillment of your obligation through monetary recoupment and separation with an honorable characterization of service due to unacceptable conduct.

After you declined to submit any further matters in response to the Superintendent’s ██████████ memorandum to the ASN (M&RA), the Superintendent submitted his recommendation for disenrollment and recoupment to the ASN (M&RA) by action memo dated ██████████.

In an undated memorandum to the Superintendent, the Acting ASN (M&RA) disenrolled you from the USNA and ordered you to pay monetary recoupment in the amount of \$209,256.00 for the educational benefits you received while attending the USNA. He further directed your separation due to unacceptable conduct with an honorable characterization of service.

On 12 July 2022, you were discharged with an honorable characterization of service.

As a matter of procedure and equity, your petition was submitted to the USNA to provide an AO. The SJA stated your separation was based on a series of conduct and honor violations after each offense was thoroughly and impartially investigated. The SJA further stated you were “fully invested in the processing of [your] offenses, afforded all appropriate rights, and did not appeal any of the findings of successive adjudications nor claim any bias or unfairness in those proceedings.” Although provided multiple chances to change your behavior, to include years of “direct investment in [you] by [your] chain of command and a dedicated USNA Conduct Remediator and subsequently, Honor Remediator,” the AO stated you “unfortunately chose to continue [your] misconduct, ultimately resulting in [your] separation.” As noted above, although you were provided an opportunity for review and comment, no response was received.

After careful review of the evidence, the Board substantially concurred with the USNA SJA AO. Noting you did not provide any evidence or supporting documentation other than the DD Form 149, the Board substantially concurred with the AO and determined you were fully invested in the process and afforded all appropriate rights. Further, although you now contend racial discrimination, the Board noted that in your separation interview with the SAPR Victim Advocate, when given the opportunity to comment on unfair or discriminatory treatment while a midshipman, you stated you had not experienced any such treatment, nor had you heard comments and/or disparaging remarks related to gender, race, or sexual orientation. The Board concluded you were provided multiple chances to change your behavior, dating back to April 2018 and your underage drinking offense and including your first honor violation in September 2021. Further, the Board noted you were not just “expected” to change, rather significant direct investment was made by your chain of command, a dedicated USNA Conduct Remediator, and an Honor Remediator. The Board concurred with the conclusion you “squandered those opportunities” and, echoing the Superintendent’s comments, concluded you had “not earned the right to commission as an officer.” Based on the available evidence and relying on the AO, the Board concluded there was insufficient evidence demonstrating a material error or injustice warranting your requested relief.

You are entitled to have the Board reconsider its decision upon 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 attaches 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,

1/17/2025

