



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

[REDACTED]  
Docket No. 11158-24

Ref: Signature Date

[REDACTED]  
[REDACTED]  
[REDACTED]

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.

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 May 2025. 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).

You enlisted in the U.S. Navy and began a period of active duty service on 13 November 1967. Your pre-enlistment physical examination, on 30 March 1967, noted no psychiatric or neurologic issues or symptoms. On your self-reported medical history, you answered "yes" to ever having been a sleepwalker.

On 6 June 1968, you received non-judicial punishment (NJP) for conduct prejudicial to good order and discipline within the naval service under Article 134 of the Uniform Code of Military Justice for cheating on an examination at [REDACTED]. You did not appeal your NJP.

In the summer of 1968, you underwent a psychiatric evaluations due to your repeated somnambulism episodes. The Medical Officer (MO) noted that during boot camp and at service

school you continued to sleepwalk persistently. The MO noted that no results were forthcoming from your treatment. The MO further noted that there was no clinical evidence of delusions, hallucinations, inappropriate affect, impaired reality testing, thought disorder, or organic brain disease. The MO diagnosed you with “symptomatic habit reaction, somnambulism,” and recommended that consideration be given for an administrative discharge.

On 20 August 1968, your command notified you of administrative separation proceedings by reason of unsuitability based upon a neuro-psychiatric examination report indicating your diagnosis of “symptomatic habit, reaction, somnambulism.” You waived your right to submit a statement.

On 19 September 1968 your command issued you a “Page 13” entry informing you that you were not recommended for reenlistment due to unsuitability. Ultimately, on 19 September 1968, you were discharged from the Navy with a “type warranted by service record” General (Under Honorable Conditions) (“GEN”) discharge characterization and were assigned an RE-4 reentry code.

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 for a discharge upgrade and contentions that: (a) you are being denied certain veteran benefits because of a GEN discharge that should have been considered Honorable, (b) you do not feel that a GEN discharge is appropriate for someone who sleep walks, (c) even though you have an NJP, the NJP was not the reason for your discharge; it was sleepwalking, (d) you believe you would have received an Honorable discharge had you been allowed to continue to serve your full enlistment, (e) you did not attempt to address this years ago because you did not know it was a problem until you tried to apply for auto and home insurance from AIG last year and they would not accept you because you did not have an Honorable discharge. For purposes of clemency and equity consideration, the Board considered the totality of the evidence you provided in support of your application; which consisted solely of the information you provided on your DD Form 149.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board did not believe that your relatively brief military record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that certain negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board determined that characterization under GEN or under Other Than Honorable conditions (OTH) is appropriate when the record reflects the commission of an act or acts constituting a significant departure from the conduct expected of a Sailor. The Board determined that the record clearly reflected your NJP misconduct was intentional and willful. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your NJP misconduct, or that you should not otherwise be held accountable for your actions leading to your NJP involving an integrity violation.

The Board observed that character of military service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your overall active duty trait average calculated from your available performance evaluations during

your enlistment lasting less than one (1) full year was approximately 2.80 in conduct. Navy regulations in place at the time of your discharge recommended a minimum trait average of 3.0 in conduct (proper military behavior), for a fully Honorable characterization of service. The Board concluded that your conduct marks during your active duty career were a direct result of: (a) your NJP (and not your sleepwalking), and (b) your overall unremarkable performance of duty; both which further justified your GEN discharge characterization and no higher.

Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, commercially available insurance products, or enhancing educational or employment opportunities.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and concluded that your misconduct and disregard for good order in discipline clearly merited your discharge. 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. 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 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,

5/16/2025

