



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

[REDACTED]
Docket No. 11398-24
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

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 21 March 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 to 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 Navy and began a period of active duty on 19 May 1987. On 22 February 1988, you were subject to nonjudicial punishment (NJP) for an unspecified violation Article 134 of the Uniform Code of Military Justice (UCMJ). Within less than one year's time, you were subject to an additional three NJPs for an Article 86 violation for failure to go to your appointed place of duty, two specifications of violation under Article 92 for failure to obey lawful general regulations, a violation of Article 92 by dereliction in the performance of your duties, Article 134 for altering public records; specifically, the leave papers for other Sailors, and a violation of Article 134 by obtaining services under false pretenses on at least six occasions through the improper use of a government phone after making personal long distance calls which you did not properly log. During this period, you were also counseled for frequent violations of the UCMJ, your lack of military bearing with both peers and senior personnel, your lack of attention to detail, your failure to track supply requirements, failure to report at the time prescribed for messenger of the watch duty, and the fact that you were relieved of your supply-related duties due to lack of responsibility and lack of reliability.

On 31 January 1989, concurrent with your fourth NJP, you were notified of processing for administrative separation by reason of misconduct due to a pattern of misconduct and the commission of a serious offense. In acknowledging your rights, you requested a hearing before an administrative discharge board (ADB). On 8 February 1989, the ADB found both bases for separation substantiated by a preponderance of the evidence and recommended your separation under Other Than Honorable (OTH) conditions. Your detailed defense counsel submitted a letter of deficiencies alleging violations of procedural due process after the senior member of the administrative separation board called your officer in charge to testify. However, the senior member clarified the purpose of this testimony as being necessary to confirm questions of fact regarding your altering of leave papers and to confirm that you had not, to her knowledge, accepted any payment in return for altering the records. Following this clarification, on 17 May 1989, Commander, Naval Personnel Command, approved your separation under OTH conditions for the primary reason of pattern of misconduct and you were discharged on 5 June 1989.

You previously applied to the Naval Discharge Review Board (NDRB) seeking a review on the basis of clemency. Your request was considered on 11 January 1999 and denied.

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 and your contentions that you are remorseful of your past actions and regret the choices you made and you believe that your characterization of service does not accurately reflect your service, commitment, and contributions during your military service or the person who you have become today through the lessons you have learned over the years. Additionally, you checked the "PTSD" box on your application but chose not to provide any evidence in support of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of the letter you included with your petition without any other additional documentation.

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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command.

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 and 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 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,

4/10/2025

