



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

██████████  
Docket No. 11486-24  
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.

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 7 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 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 28 March 2012. Your enlistment physical examination, on 3 November 2011, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms.

On 18 September 2014, you received non-judicial punishment (NJP) for failing to obey a lawful order and drunken/reckless driving. You did not appeal your NJP.

On 6 August 2015, pursuant to your guilty pleas, you were convicted at a General Court-Martial (GCM) of three (3) separate specifications of assault consummated by a battery that involved non-consensual sexual-related contact with no less than two (2) different female Sailors. The

Court sentenced you to confinement for ten (10) months, a reduction in rank to the lowest enlisted paygrade (E-1), and to be discharged from the Navy with a Bad Conduct Discharge (BCD). On 14 October 2015, the Convening Authority approved the GCM sentence as adjudged. Upon the completion of GCM appellate review in your case, on 24 June 2016, you were discharged from the Navy with a BCD 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 change to your reason for separation. You contend that: (a) your request is made for reasons of clemency, (b) post-service you have worked tirelessly to rebuild your life, and you are a proud single father to an eight-year-old daughter, (c) you have earned two college degrees in medical specialties and a Bachelor of Science in Health Administration, and you currently serve as a healthcare provider, focusing on delivering vaccines and promoting public health in your community, (d) you believe an upgrade to your discharge status would be a fair acknowledgment of your service and the positive contributions you continue to make, (e) it has been more than eight (8) years since your discharge, and since that time you have worked hard to become an individual who serves his community, while being a dedicated single father, (f) those who know you best attest to your remarkable character, and your commitment to serving others, and (g) the BCD has served its punitive purpose, and it would be an injustice to allow it to remain on your record the rest of your life. For purposes of clemency and equity consideration, the Board considered the totality of the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board determined that a BCD characterization is generally warranted for serious misconduct and is appropriate when the basis for separation is 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 predatory misconduct was intentional and willful and indicated you were unfit for further service. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions.

The Board noted that, although it cannot set aside a conviction, it might grant clemency in the form of changing a characterization of discharge, even one awarded by a court-martial. However, the Board concluded that despite your contentions this was not a case warranting any clemency as you were properly convicted at a GCM of serious misconduct involving multiple sexual assaults.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and the Board concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. While the Board carefully considered the evidence you submitted in mitigation and commends you for your post-discharge accomplishments, 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 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,

3/24/2025

