



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

██████████
Docket No. 11567-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 17 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).

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

You enlisted in the U.S. Navy and began a period of active duty on 15 September 1992. On 21 January 1994, you received nonjudicial punishment (NJP) for wrongfully taking mail containing a Navy Exchange (NEX) credit card addressed to another crew member, larceny of the credit card, and attempting to make a \$300.00 purchase with using the stolen credit card. On 23 May 1996, you received a second NJP for an unspecified offense.

Unfortunately, the documents related to your administrative separation are not in your official military personnel file (OMPF). In this regard, the Board relies on a presumption of regularity to support the official actions of public officers and, in absence of substantial evidence to the

contrary, will presume that they have properly discharged their official duties. Your Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that you were separated from the Navy, on 14 September 1996, with an Other Than Honorable (OTH) characterization of service, narrative reason for separation of "Misconduct," separation authority of "MILPERSMAN 3630600," separation code of "HKQ," and reentry code of "RE-4."

The Board carefully considered all potentially mitigating factors to determine whether the interest 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: (1) you completed four years of service before being discharged with an Other Than Honorable (OTH) characterization. Despite this, you fulfilled your full term in the military and have since built a successful career in the aerospace industry, (2) you have earned a college degree, obtained your FAA commercial pilot's license, and raised a family, (3) your youngest child is now preparing to attend the Naval Academy, (4) you respectfully request consideration for an upgrade to your discharge status based on your lifelong accomplishments and dedication to personal and professional growth, (5) more than anything, you wish to take pride in your service to your country and receive an Honorable discharge certificate, (6) you want your children to know that their father served honorably, (7) now at 51 years old, you continue to carry the pain and regret of the mistakes you made while on active duty, and (8) with each passing day since your discharge in 1996, the weight of that regret remains, and you hope for the opportunity to correct your military record to reflect the pride you have in your service. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

After thorough review, the Board concluded your 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 concluded that it showed a complete disregard for military authorities and regulations. The Board also considered the impact of your larceny of a fellow service member's credit card; recognizing that such conduct undermined the spirit de corps among your peers. The Board observed you were given an opportunity 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. Therefore, the Board concluded that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service.

While the Board carefully considered the evidence you submitted in mitigation and appreciates that you are now remorseful of your misconduct, 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 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,

3/27/2025

