



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

[REDACTED]  
Docket No. 11584-24  
Ref: Signature Date

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

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 4 April 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).

After initially enlisting in the Army National Guard, you enlisted in the Navy and began a period of active duty on 28 April 1993. On 20 September 1996, you were subject to nonjudicial punishment (NJP) for a violation of Article 92 of the Uniform Code of Military Justice (UCMJ) due to dereliction in your performance of duties. On 8 January 1997, you received a second NJP for multiple violations of the UCMJ, that included Article 86, for two specifications of unauthorized absence (UA), Article 91, for being disrespectful in language toward a petty officer and then walking away, and three specifications under Article 92, for disobeying a lawful order issued by a superior. Following this NJP, you were issued administrative counseling advising you to correct your behavioral deficiencies and warning you that failure to do so could result in further disciplinary action or administrative separation.

Between 19 February 1997 and 25 March 1997, you absented yourself without authority on three occasions; for a period totaling approximately 35 days. On 26 March 1997, you received a third NJP for the three violations of Article 86. While still in a restricted status from your third NJP, you were subject to a fourth NJP, on 12 April 1997, after assaulting another Sailor by repeatedly striking him with your fist in violation of Article 128 of the UCMJ and for wrongfully using provoking words toward another Sailor in violation of Article 117.

Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the 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 25 April 1997, with an Other Than Honorable (OTH) characterization of service, narrative reason for separation of "Pattern of Misconduct," separation code of "HKA," and reentry code of "RE-4."

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 to "Honorable" and to change your narrative reason for separation to "Secretarial Authority." You contend that you have striven to make amends to society in the years since your troubled youth and have been a dedicated citizen, husband, and father. In your personal statement, you provided a detailed description of your personal history prior to your enlistment, and during your initial period of service, which included serving as a dental technician at several installations which were progressively subject to closure: thus resulting in your frequent duty station transfers. You ultimately were assigned to ██████████, ██████████, which was in proximity to your home of record, bringing back to the forefront many of the family and societal problems you had enlisted in order to escape. You state that you began drinking to excess to avoid the unwanted emotions which troubled you; to include your memories of childhood trauma as well as the fact that your brothers were incarcerated in ██████████. As your drinking increased, you began to struggle with routine duty requirements, with your initial periods of UA being attributed to having become intoxicated to the point of being too sick to function. You admit that your prolonged period of unauthorized absence resulted when you went on a "binge drinking spree" for several weeks at your mother's home. You explain that it was only after receiving your OTH discharge that you hit rock bottom and found the wake-up call you needed to become sober. Although you know it is not possible to go back in time and change what you did, you have lived with shame and regret in the decades since your discharge and wish you could apologize. Post-discharge, you initially went to nursing school and have worked in psychiatric facilities, mental health crisis clinics, and addiction recovery for over 20 years; where you routinely go above and beyond the normal standard of care for patients, have received several commendations, and are well-esteemed by your colleagues. In support of your application and for the purpose of clemency and equity consideration, you submitted your résumé, several certifications, licenses, and work commendations, personal photographs, and seven letters of support.

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. Finally, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions.

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. While the Board carefully considered the evidence you submitted in mitigation, commends you on your post-discharge accomplishments, and appreciates that you expressed remorse for your conduct, 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 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,

4/22/2025

