



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

██████████
Docket No. 11803-24
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 24 February 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, 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 16 August 1993. Upon your enlistment, you received a waiver for two minor misdemeanors. On 8 November 1995, you received nonjudicial punishment (NJP) for two instances of unauthorized absence (UA) from appointed place of duty and disobeying a lawful order. Consequently, you were counseled concerning your NJP violations and advised that failure to take corrective action could result in administrative separation. On 6 February 1996, you were arrested and charged by civil authorities for domestic assault.

Between 21 March 1996 and 25 March 1996, you commenced two periods of UA totaling 8 hours, and 30 minutes. On 25 April 1996, you received a second NJP for an instance of UA, disrespect towards a petty officer, and disobeying a lawful order from a petty officer. On 15 May 1996, you were evaluated by a medical officer as a result of mood swings, consisting of anger and loss of control throwing and breaking things, in response to perceived disrespect from peers. Consequently, you were diagnosed with Adjustment Disorder with Mixed Emotional Features, and Personality Disorder NOS with Antisocial and Narcissistic Features.

On 22 May 1996, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense and convenience of the government due to personality disorder. Subsequently, you decided to waive your procedural rights. On 5 September 1996, your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service. The separation authority approved the recommendation, and you were so discharged on 22 September 1996.

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 served and deployed to multiple locations including the ██████████ during wartime, (b) you met an ██████████ woman who manipulated you into marrying her, (c) you did not realized that she married you so that she could applied for U.S. citizenship, (c) you discovered that your ex-wife was having an affair with an individual who was attached to the same ship, (d) you filed for divorce and, during the process, your superior officers awarded her half of your income, (e) your ex-wife refused to pay half of the expenses you both incurred together, (f) you began feeling depressed and discouraged as a result of your ex-wife's actions, and (g) leaving the military before the end of your term and thus receiving an OTH has haunted you for your entire life. For purposes of clemency and equity consideration, the Board noted you provided a copy of your personal statement and multiple character 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 and involvement with civil authorities, 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. While the Board carefully considered the evidence you submitted in mitigation and commends you for your post-discharge good character, 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 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,

3/19/2025

