



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

██████████  
Docket No. 12204-24  
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 5 May 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).

You enlisted in the Navy and began a period of active duty on 3 February 1988. On 16 June 1988, you received nonjudicial punishment (NJP) for a period of unauthorized absence (UA). Subsequently, you were counseled and advised that failure to take corrective action could result in administrative separation. Between 30 March 1989 and 15 April 1989, you were counseled on three more occasions for failure to report to your appointed place of duty, tardiness for watch turnover, and failure to report to watch.

On 3 January 1990, you received a second NJP for stealing a multisystem, a remote control television set, and a stereo. You were again counseled and advised that failure to take corrective action could result in administrative separation. On 13 January 1990, you received a third NJP for failure to obey a lawful order. Consequently, you were notified of administrative separation processing for pattern of misconduct and commission of a serious offense.

You decided to exercise your right to consult with counsel and requested a case hearing by an Administrative Discharge Board (ADB). On 10 March 1990, the ADB voted (3) to (0) that you committed misconduct due to commission of a serious offense and pattern of misconduct but recommend you be retained on active duty.

On 8 April 1990, you received a fourth NJP for being disrespectful towards a superior petty officer, reckless driving, and using government services under false pretenses. On 26 April 1990, you were renotified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense and misconduct due to pattern of misconduct. Subsequently, you decided to waive your procedural rights. Your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service and the separation authority approved the recommendation for pattern of misconduct. On 30 May 1990, you were so discharged.

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 did not steal the items for which you were accused and punished, (b) you feel very remorseful that you were not a perfect sailor, (c) your intentions towards your country were always honorable, and (d) you were always ashamed to present around others who served and bogged down with depression. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 214 and 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. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions.

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 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,

5/27/2025

