



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

██████████  
Docket No. 322-25  
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 16 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 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 based on the evidence of record.

You enlisted in the U.S. Navy and began a period of active duty on 16 May 1988. On 14 April 1990, you received non-judicial punishment (NJP) for missing ship's movement. You received your second NJP, on 14 November 1990, for two days unauthorized absence (UA). On 30 May 1991, you received your third NJP for malingering, failure to obey a lawful order, and insubordination. On 24 June 1991, you received your fourth NJP for two specifications of false authorized pass, breaking restriction, and failure to obey an order or regulation.

Consequently, you were notified of administrative separation processing for misconduct commission of a serious offense. You elected your right to consult with military counsel, and you waived your right to an administrative discharge board. The Commanding Officer (CO) made his

recommendation to the Separation Authority (SA) that you be discharged with an Other Than Honorable (OTH) characterization. In his recommendation, the CO stated, “[Petitioner] has demonstrated unreliability, a general disregard for military authority and has zero potential for continued Naval service...The serious offenses listed above could result in a punitive discharge...” The SA accepted the recommendation and you were so discharged on 29 July 1991.

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 you were punished for being late only to exercise and later breaking restriction for exercising out of bounds; this is not a serious offense. You also contend you honorably served for over four years. For purposes of clemency and equity consideration, the Board further noted you provided your DD Form 214 but did not provide supporting documentation describing post-service accomplishments or advocacy letters.

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. The Board noted you provided no evidence, other than your statement, to substantiate your contentions regarding the minor nature of your offenses. Regardless, it was clear to the Board that your record of misconduct included more than a minor UA and breaking restriction. As pointed out by your CO, there were multiple offenses that qualified for a punitive discharge under the Uniform Code of Military Justice and, therefore, by regulation are considered serious offenses. Finally, based on your record of misconduct, the Board was not persuaded by your allegation you served honorably for over four years.

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 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 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,

4/28/2025

