



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

Docket No. 0323-25
Ref: Signature Date

Dear |

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 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, 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 20 August 2003. On 13 July 2006, you were charged by civil authorities with accessory to attempt murder. You were arrested and booked into the [REDACTED], [REDACTED], with a bail set at \$100,000.00. Consequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense; at which point, you decided to waive your procedural rights. Your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to commission of a

serious offense. Subsequently, the separation authority approved the recommendation, and you were so discharged on 19 September 2006.

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 contention that: (a) you prioritized addressing critical legal matters and subsequently focused on establishing financial stability and rebuild your life, (b) your actions while in service did not always meet a sailor's high standards; however, your past serious circumstances does not reflect your overall service record, (c) you have dedicated yourself to personal growth and personal contributions to society, (d) you have taken full responsibility for your actions and successfully resolved outstanding legal issues, (e) you are now a married father of three children and strive to provide for them with a loving and supporting home, (f) you have worked for reputable companies such as ██████████ and ██████████ Communications; demonstrating your commitment to professionalism and responsibility, (g) you have consistently demonstrated responsible citizenship and have not encountered any further legal issues. For purposes of clemency and equity consideration, the Board noted you provided copies of your personal statement, Order Granting Petition for Relief, DD Form 214, General Radiotelephone Operators License, character letter of support, and certificate of completion.

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 arrest by civil authorities for attempted murder, 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. Additionally, the Board considered the likely discrediting effect your actions had on the Navy. The Board concluded that your arrest for attempted murder was the type of misconduct which, more likely than not, brought negative publicity to the Navy and significantly harmed its reputation by lowering it in the public's esteem.

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 on your post-discharge rehabilitation, 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,

4/8/2025

