



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

[REDACTED]  
Docket No. 420-25  
Ref: Signature Date

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

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 13 June 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).

You took your oath of office and commissioned as an Ensign in the U.S. Navy, on 9 May 1991, upon your completion of both the [REDACTED]  
[REDACTED]. On 19 April 1993, you promoted to the rank/grade of Lieutenant Junior Grade (O-2).

Your fitness report for the period, ending 28 June 1994, contained the following comment:  
[REDACTED] was attrited from the [REDACTED] for unsatisfactory flight performance."

On 10 August 1995, contrary to your pleas, you were convicted at a General Court-Martial (GCM) of: (a) larceny, (b) two specifications of making a false official statement, and (c) false claim/frauds against the U.S. The Military Judge sentenced you to: (a) receive a punitive letter of reprimand (PLR), (b) to be fined \$1,000 (to be confined 90 days in the event the fine is not paid within 10 calendar days after the CA's action), and (c) the loss of 500 numbers on the lineal list of officers on active duty in the naval service. On 1 February 1996, the Convening Authority only approved so much of the GCM sentence as it provided for the PLR and the loss of lineal numbers.

On the same day, your command issued you the PLR, and you acknowledged receipt of it on 2 February 1996. The PLR outlined the details of your offenses underlying your GCM, in part, as follows:

Your commission of these offenses has disgraced yourself and the United States Navy. You violated Article 107 by signing a service record entry that intentionally misrepresented the location of your family and by making a similar oral statement with the intent to deceive. You violated Article 121 by wrongfully appropriating dependent travel benefit payments and Article 132 by presenting a fraudulent dependent travel claim. Your crimes are not crimes of omission or negligence, rather they were part of an intentional effort on your part to defraud the government. Your actions demonstrate a complete lack of honesty and have severed the bond of trust that must exist among members of the military. Your conduct in this matter was far below what I expect from any member of the United States Navy. Therefore,...you are hereby reprimanded for your conduct.

In March 1996, the Show Cause Authority ("SCA") determined there was sufficient evidence of record to separated from the naval service and initiated administrative action to separate you.

On 19 March 1996, no part of the GCM findings or sentence was found to be unsupported in law on appellate review, and the reviewing authority determined that reassessment of the GCM sentence was not appropriate.

On or about 13 August 1996, a Board of Inquiry (BOI) convened in your case. The BOI, based upon a preponderance of the evidence, found that you did commit certain military offenses; specifically, violations of the UCMJ Articles 121, 107, and/or 132. The BOI recommended that you be separated from the naval service with an under Other Than Honorable conditions (OTH) discharge characterization. On or about 9 September 1996, you provided a BOI rebuttal statement that stated, in part: "Such a characterization (an Other Than Honorable discharge) is disproportionately harsh relative to the seriousness of the offenses...and ignores the positive aspects of my lengthy military career and imposes a tremendous punishment upon my entire family."

On 4 October 1996, the Chief of Naval Personnel (CNP) recommended to the Secretary of the Navy (ASN(M&RA)) that you should be separated with an OTH discharge characterization. CNP noted in its letter that your recommended separation with an OTH was fully supported by your misconduct and substandard performance. CNP also noted that you failed to offer any

substantial rebuttal to your proposed separation, nor had you established the award of an OTH discharge was inappropriate. CNP further noted that although you stated your conduct prior to the GCM had been positive, CNP determined your actions reflected a significant departure from the deportment expected of a Naval Officer, and as a result your OTH was warranted.

On 24 October 1996, ASN(M&RA) approved CNP's recommendation. Ultimately, on 30 November 1996, you were discharged from the Navy for misconduct due to the commission of a serious offense at the rank/grade of O-2 with an OTH discharge characterization.

On 1 February 2000, the Naval Discharge Review Board (NDRB) voted to deny your initial discharge upgrade application. The NDRB determined that your OTH discharge was proper as issued and that no change was warranted. NDRB determined, in part, that your contention you were wrongfully and excessively prosecuted as retaliation for raising issues concerning unlawful discriminatory practices to be a non-mitigating factor for your documented misconduct. In denying relief, the NDRB stated, in pertinent part, that:

The NDRB found no impropriety of inequity in the BOI's recommended discharge of other than honorable discharge. Although the applicant had no record of misconduct prior to the General Court- Martial, the BOI was charged with reviewing the applicant's entire service record. The BOI review included the conviction of the GCM on three violations of the UCMJ, all of which are considered serious offenses. The NDRB found the BOI's findings and recommendation were proper and equitable. Relief is not warranted

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Hagel, Kurta, and Wilkie Memos. These included, but were not limited to, your desire for a discharge upgrade and change to your reason for separation. You contend that: (a) you are the victim of a material error of discretion by your chain of command, (b) you were punished for being the only Sailor in your unit with the courage to come forward regarding the unjust discrimination, unfair practices, and disrespect that you and numerous other Sailors observed at his Training Wing, (c) rather than properly investigating these serious accusations, your chain of command opted to try to bury the complaint and then utilized a malicious prosecution to retaliate against you, (d) you were unduly punished purely out of retaliation by your chain of command, (e) you were targeted because you reported the rampant discrimination and injustices you saw in your training program, (f) you never should have been the subject of a General Court Martial, let alone a BOI, and (g) despite these setbacks, you have become a pillar of your community and is truly deserving of having your military records corrected to accurately reflect your years of honorable and distinguished service to your country. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the evidence you provided in support of it.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record.



The Board determined that the record clearly reflected your misconduct was intentional and willful and indicated you were unfit for further service. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions.

The Board determined that there was no convincing and/or credible evidence in the record regarding any command misconduct, improper motives, or abuses of discretion in the investigating, handling and processing of your misconduct and your subsequent GCM, BOI, and administrative separation. The Board determined that your BOI and subsequent separation for misconduct was extensively review and determined to be legally and factually sufficient. The Board concluded that, in the absence of substantiating evidence, the presumption of regularity applies to your case.

The Board determined that your GCM offenses involving theft, fraud, and false official statements clearly demonstrated you had minimal potential to contribute positively to the Navy as an officer responsible for the care and well-being of enlisted Sailors. The Board also determined that characterization under OTH is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a naval officer.

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 in discipline clearly merited your discharge. While the Board carefully considered the evidence you submitted in mitigation, even in light of the Wilkie Memo and reviewing the record liberally and 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 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,

6/27/2025

