



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

██████████  
Docket No. 0480-25  
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).

You enlisted in the Navy and began a period of active duty on 2 March 1992. On 3 March 1992, you were counseled concerning being retained in service despite your defective enlistment and induction due to fraudulent entry into naval service. You were retained in service and advised that further deficiencies may result in administrative separation. On 25 June 1993, you received nonjudicial punishment (NJP) for drunken and reckless driving. Consequently, you were counseled concerning your previous NJP violation and advised that failure to take corrective action could result in administrative separation. On 23 December 1993, you received a second NJP for driving under the influence onboard Naval Station ██████████.

On 10 November 1994, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense and alcohol rehabilitation failure. You decided to waive your procedural rights, and your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service. The

separation authority approved the recommendation by reason of misconduct due to commission of a serious offense and you were so discharged on 19 December 1994.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 15 June 2001, after determining your discharge was proper as issued.

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) your characterization of service was unjust due to stressors you were experiencing while on active duty, (b) you stopped drinking alcohol long before the command had sent you to alcohol treatment, (c) you were young, immature, and regretted getting in trouble for drinking, (d) you were sent to treatment over a year later and, by then, you were already married and expecting your first child, (e) you have not consumed alcohol since learning that you were going to become a father, and (f) you were sober while attending treatment and decided to decline the treatment before been sent back to the ship. For purposes of clemency and equity consideration, you provided a Department of Veterans Affairs Statement in Support of Claim.

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 alcohol rehabilitation failure, 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 was also not persuaded by your contention that you were sober when referred to Level III rehabilitation treatment. The Board noted your record documents you were determined to be alcohol dependent in March 1994; more than three months after your NJP for driving under the influence. Therefore, the Board found sufficient evidence to support your command's decision to process you for administrative separation when you chose not to attend rehabilitation treatment. Finally, the Board also 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,

4/8/2025

