



Docket No. 0763-25
Ref: Signature Date

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 11 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).

You enlisted in the Navy Reserve on 29 January 2001. On 24 February 2001, you received administrative counseling (Page 13) remarks for understanding the use of the government travel card. On 28 April 2004, you were notified of administrative separation processing for misconduct, failure to pay just debts¹, and unsatisfactory participation in the ready reserve. The commanding officer (CO) forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Navy under a General (Under Honorable Conditions) (GEN) characterization of service. In your CO's comments, he stated "This command has explained the importance of the Bank of America Government Credit Card delinquency to [Petitioner] on numerous occasions. She has subsequently failed to pay her credit card bill. Also, this command has explained the importance of maintaining satisfactory participation to [Petitioner] on numerous occasions. She subsequently failed to drill and has exceeded the maximum number of unexcused absences." Ultimately, the separation authority

¹ Related to your use of the government travel card.

directed your GEN discharge from the Navy by reason of unsatisfactory participation in the ready reserve and you were so discharged on 9 March 2005.

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 to upgrade your discharge character of service and contentions that: (1) the sudden death of your father in a car accident required you to take care of your family and act out of character, (2) you never addressed your grief or overwhelming sadness, (3) you were lost and couldn't find your way back, and (4) your father was a retired Marine and you help Wounded Warriors and civilians with PTSD. You also checked the "Other Mental Health" box on your application but chose not to provide supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the documentation you provided in support of your application.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your failure to pay your just debts and unsatisfactory participation in the ready reserve, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded it 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 GEN 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 determined you already received a large measure of clemency from the Navy when they assigned you a GEN characterization of service for conduct that normally warrants an Other Than Honorable discharge.

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, 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 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

