



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

██████████
Docket No. 924-25
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 7 February 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 U.S. Navy and began a period of active duty service on 13 June 1988. Your enlistment physical examination, on 17 June 1987, and self-reported medical history both noted no psychiatric or neurologic issues, symptoms, and/or treatment.

On 1 August 1989, your command issued you a "Page 13" retention warning (Page 13) documenting your failure to meet the physical readiness standards due to obesity. The Page 13 noted that you were being assigned to a mandatory remedial exercise program for the current physical readiness test cycle.

On 5 January 1990, you received non-judicial punishment (NJP) for: (a) insubordinate conduct, (b) failing to obey a lawful order, and (c) provoking speeches/gestures. You did not appeal your NJP. A portion of your NJP was suspended.

On 27 April 1990, the suspended portion of your NJP was vacated and enforced due to your continued substandard performance. On 27 April 1990, you received NJP for the wrongful use of a controlled substance (marijuana). You did not appeal your NJP. On the same day, your command issued you a Page 13 documenting the misconduct underlying your NJP, a lack of temper control, falling asleep at your workstation, and a lack of interest in improving your skills. The Page 13 advised you that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 22 August 1990, you were in an unauthorized absence status for a portion of the day.

On 19 August 1991, you requested a hardship discharge so you could assist full-time at home with your ailing mother. On 19 September 1991, the Separation Authority approved and directed your separation with a hardship discharge. Ultimately, on 24 September 1991, you were discharged from the Navy for a hardship with a General (Under Honorable Conditions) ("GEN") characterization of service and were assigned a RE-4 reentry code.

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 sole contention that you would like a discharge upgrade so you are eligible to receive a ██████████ property tax exemption. For purposes of clemency and equity consideration, the Board considered the totality of the evidence you provided in support of your application.

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 characterization under Other Than Honorable conditions or GEN is generally warranted when misconduct has occurred that constitutes a significant departure from the conduct expected of a Sailor. The Board determined that the record clearly reflected your misconduct was intentional and willful. 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 observed that character of military service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your overall active duty trait average calculated from your available performance evaluations during your enlistment was approximately 2.15 in conduct. Navy regulations in place at the time of your discharge recommended a minimum trait average of 3.0 in conduct (proper military behavior), for a fully Honorable characterization of service. The Board concluded that your conduct marks during your active duty career were a direct result of your misconduct which further justified your original GEN discharge characterization and no higher.

The Board determined that there was no impropriety or inequity in your discharge and reentry code, and the Board concluded that your misconduct and disregard for good order and discipline clearly merited your GEN discharge and no higher. 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,

2/27/2025

