



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

██████████
Docket No. 1374-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 16 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, 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues 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 commenced a period of active duty on 22 July 1986. On 11 March 1987, you reported for duty at Naval Hospital ██████████. On 25 January 1988, you were issued administrative remarks (page 13) for failing physical readiness standards. On 11 February 1988, you received nonjudicial punishment (NJP) for three specifications of wrongful appropriation involving unauthorized credit card use. You were retained in the Navy with administrative remarks documenting the infractions and advising you that any further misconduct could result in administrative separation under Other Than Honorable (OTH) conditions. On 23 March 1988, you received a second NJP for dereliction of duty and making a false official statement. You received a third NJP, on 25 May 1988, for a 15-day unauthorized absence and breaking restriction.

Consequently, you were notified of your pending administrative processing by reason of the commission of a serious offense and pattern of misconduct; at which time you waived your right to consult with counsel and to present your case to an administrative discharge board. Your commanding officer forwarded your administrative discharge package to the separation authority stating:

“In September of 1987 [Petitioner] used a ██████████ credit card of a friend to make three credit card purchases without permission of the owner by affixing the owner’s signature to the credit vouchers. The offenses were discovered in January and resulted in an 11 February 1988 Captain’s Mast where he received a suspended punishment and was formally warned of the consequences of further misconduct... On 23 March 1988, [Petitioner] was again punished at mast for being derelict in failing to take a patient’s vital signs on 18 February 1988 and then making false entries into the patient’s medical chart. Among other punishments, [Petitioner] was given 30 days restriction. On 17 April 1988, while still restricted, [Petitioner] broke restriction and commenced a fifteen day unauthorized absence leading to a 25 May 1988 mast, additional punishment and administrative separation processing. [Petitioner’s] military and professional behavior have been abominable. He has lied, stolen, fabricated important medical information on patients, then run away from the moral and legal consequences of his behavior. He truly deserves a discharge under other than honorable conditions. He requested, and was expeditiously granted, permission to commence leave while awaiting separation... This hospital and our patients don’t need his labor and malfeasance one minute longer.”

The separation authority accepted the recommendation and you were discharged with an Other Than Honorable (OTH) characterization of service on 22 July 1988.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 and your contentions that: (1) you were young and lacked understanding of your actions, (2) had you known different you would have fought to remain in service, (3) you had no assistance and did not understand the process, and (4) you now seek an upgrade to obtain health coverage, purchase a home, and pursue education. You also checked the “PTSD” box on your application but chose not to respond to the 13 February 2025 letter from the Board requesting evidence in support of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional documentation. While you indicated that you provided military records, none accompanied your application.

After a 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, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it showed a complete disregard for military authorities and regulations. The Board also noted you were provided several opportunities to correct your conduct deficiencies, but you continued to commit additional misconduct; which led to your OTH discharge. Your conduct demonstrated both the

commission of a serious offense and a pattern of misconduct, and was sufficiently pervasive and serious enough to negatively affect the good order and discipline of your command.

Additionally, the Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. Further, the Board noted that you provided no evidence to substantiate your contentions. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

Therefore, the Board concluded that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service. 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 is attached 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,

7/3/2025

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Executive Director

Signed by: █