



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

██████████  
Docket No. 1591-25  
Ref: Signature Date

████████████████████  
████████████████  
██████████████

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 9 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 this 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).

During your enlistment processing, you disclosed pre-service infractions that included parking violations, and shoplifting. You also disclosed pre-service drug abuse. You enlisted in the Navy and commenced active duty on 6 July 1982. After a period of continuous Honorable service, you immediately reenlisted on 24 June 1988. On 8 August 1991, you received nonjudicial punishment (NJP) for two specifications of violating a general order and false official statement. You were awarded an oral reprimand, forfeitures of \$210.00 per month for two months, reduction in rank to E-4, and extra duties for 60 days. However, your reduction in rank and extra duties were suspended for six months. On 24 September 1991, you received a second NJP for violation of a general order. As a result, your previously suspended punishments were vacated and you were required to complete 45 days of the imposed extra duties.

Consequently, you were notified that you were being recommended for administrative discharge from the Navy for the commission of a serious offense; at which time you elected your right to consult with counsel and to present your case to an administrative discharge board. On

30 December 1991, an administrative discharge board unanimously found you committed misconduct by reason of the commission of a serious offense and recommended you be retained in the Navy. However, your Commanding Officer forwarded your administrative separation package to the separation authority with a recommendation for discharge. He stated the following:

“[Petitioner] received an Administrative Discharge Board as a result of two Commanding Officer non-judicial punishments for separate incidents of failure to obey a lawful general order (UCMJ Article 92). [Petitioner’s] lack of understanding and good judgement resulted in the first Commanding Officer’s non-judicial punishment. At this hearing, [Petitioner] acknowledged he understood the regulations concerning the proper use of a government vehicle. I also personally discussed with him the image he projected to the applicants he transported to MEPS and who subsequently enlisted. Both applicants were fully aware the female in the vehicle was not an applicant and provided written statements. [Petitioner’s] blatant disregard of regulations resulted in his second Commanding Officer’s non-judicial punishment for failure to obey a lawful general order. His total disregard for regulations is clearly detrimental to good order and discipline. His current rating as an Operations Specialist is one that requires strict compliance with standard operating procedures. His behavior on recruiting duty in recent months is a strong sign that [Petitioner] will only follow those regulations he feels apply to him. As the Commanding Officer, I cannot recommend retention of [Petitioner] on active duty and transfer to the fleet. His actions are a direct embarrassment to the command and to the Navy and warrant separation.”

On 7 February 1992, the separation authority directed your retention in the Navy and that a Page 13 entry be issued; documenting your retention and advising you that any further deficiencies in performance and/or conduct may result in administrative separation under Other Than Honorable conditions.

On 8 March 1992, you reported for duty aboard ██████████. On 11 May 1992, you received a third NJP for being incapacitated for the proper performance of duties. Consequently, you were notified that you were being recommended for administrative discharge from the Navy for 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. An evaluation by a Medical Officer determined that you were not dependent on alcohol or drugs. Your Commanding Officer forwarded your administrative separation package to the separation authority with a recommendation for discharge, stating the following:

“[Petitioner] is a substandard performer who requires constant supervision to complete assigned tasks. He does not possess the potential for further useful naval service and therefore, I most strongly recommend that [Petitioner] be discharged from the naval service with an Other Than Honorable discharge due to misconduct as evidenced by Commission of a Serious Offense, and a Pattern of Misconduct.”

On 5 September 1985, you were discharged with an Other Than Honorable (OTH) characterization of service by reason of the commission of a serious offense.

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 you requested early separation from service due to High Year Tenure and were surprised to receive a DD Form 214 reflecting an "Other Than Honorable" characterization of service, despite maintaining good conduct throughout both of your active duty periods. You further state that you are seeking an upgrade to a General (Under Honorable Conditions) or Honorable discharge in order to become eligible for Department of Veterans Affairs health care benefits. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your two DD Form 214s you included with your DD Form 149 without any other additional documentation.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined 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 authority and regulations. Additionally, the Board noted you were provided several opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. Further, the Board noted you provided no evidence, other than your statement, 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 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.

The Board believes that you may be eligible for veterans' benefits which accrued during your first enlistment period. Whether or not you are eligible for benefits is a matter under the cognizance of the Department of Veterans Affairs and you should contact their nearest office concerning your eligibility.

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,

6/30/2025

