



Docket No. 1635-25
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 2 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).

You enlisted in the Navy and began a period of active duty on 2 September 1986. Prior to coming on active duty, you admitted preservice use of a controlled substance-marijuana. Between 30 October 1986 and 1 September 1987, you were counseled on numerous occasions for your inability to pass the recruit final achievement test, disrespectful in language towards a petty officer, failure to complete the task assigned, unauthorized absence (UA) from muster, leaving personal items unsecured, and neglecting to do watch rounds in a proper and timely manner. Consequently, you were advised that failure to take corrective action could result in administrative separation.

On 21 September 1987, you received nonjudicial punishment (NJP) for dereliction of duty by willfully taking false readings on fire pumps. Subsequently you were counseled for unsatisfactory performance and advised that failure to take corrective action could result in administrative separation. On 17 February 1988, you were referred to DAPA as a result of being

arrested by short patrol for assault involving alcohol. On 7 March 1988, you were convicted by summary court martial (SCM) for possession of alcoholic beverages underage, drinking and driving under the influence, and assault consummated by battery. You were sentenced to reduction in rank and forfeiture of pay.

On 7 March 1988, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense; at which point you decided to waive your right to consult with counsel and requested a case hearing by an Administrative Discharge Board (ADB). On 5 April 1988, the ADB voted (3) to (0) that you committed misconduct due to commission of a serious offense and recommended you be discharged with an Other Than Honorable (OTH) discharge characterization of service. Your commanding officer concurred with the ADB recommendation. On 12 April 1988, you received a second NJP for disrespect towards an officer. Ultimately, the separation authority approved the ADB recommendation and you were so discharged on 22 June 1988.

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) you were involved in three incidents that contributed to your discharge and you take full responsibility for your actions, (b) the first incident was a serious lap in judgement on your part as you failed to properly perform your duties, (b) the second incident was a situation in which you found yourself guilty by association, (c) the most troubling incident occurred as a result of personal frustration and disagreement with a superior officer, and (d) you have worked hard to overcome the challenges of your past and have sought help with your mental and emotional struggles. You also checked the "Other Mental Health" box on your application but chose not to respond to the Board's 21 February 2025 letter requesting supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of the personal statement you included with your DD Form 149 without any other additional documentation.

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 SCM, 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. Further, contrary to your contention that you were not given a chance to prove yourself, 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.

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,

6/23/2025

