



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

██████████
Docket No. 1657-25
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 4 August 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 were granted an enlistment waiver for pre-service infractions involving joyriding and marijuana use. You enlisted in the Navy and commenced a period of active duty on 25 August 1980. After a period of continuous Honorable service, you immediately reenlisted and commenced a second period of active duty on 24 July 1984. On 22 June 1987, you received nonjudicial punishment (NJP) for assault, committing a nuisance, and being drunk and disorderly. On 21 December 1987, you received a second NJP for being drunk and disorderly. Consequently, you were notified of your pending administrative processing by reason of the commission of a serious offense (COSO); at which time you elected your procedural right to consult with counsel and to present your case to an administrative discharge board (ADB). Prior to the convening of your ADB, you submitted a conditional waiver request seeking a General (Under Honorable Conditions) (GEN) characterization of service in exchange for waiving your right to an ADB. This request was denied. On 6 April 1988, an ADB was convened and determined, by a preponderance of the evidence, that misconduct had occurred due to COSO. The ADB recommended separation from the Navy with an Other Than Honorable (OTH) characterization of service. Your commanding officer concurred with the ADB's

recommendation and forwarded it to the separation authority; noting that you had been offered Level II treatment and declined the opportunity when it was made available. The separation authority ultimately directed your discharge with a GEN characterization of service, and you were so discharged on 7 July 1988.

At the time of your discharge, you were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting an Other Than Honorable (OTH) characterization of service. On 24 April 1989, Navy Personnel Command (NPC) issued a new and corrected DD Form 214 reflecting a General (Under Honorable Conditions) (GEN) characterization of service. The new DD Form 214 was placed into your service record.

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 for an upgrade of your discharge and change to your narrative reason for separation. You contend that: (1) at the time of your separation your attorney advised you that your discharge would automatically be upgraded to Honorable within six months, (2) you were originally issued a DD Form 214 reflecting a GEN characterization of service; however, the currently available copy reflects an OTH discharge, (4) following your discharge you successfully completed a five-year apprenticeship program and subsequently worked in that field for 30 years, and (5) you served honorably from 25 August 1980 to 23 July 1984. For purposes of clemency and equity consideration, the Board considered the totality of your application, which included your DD Form 149 and the evidence you provided in support of it.

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 during your second enlistment, 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. Further, the Board noted that you were provided with an opportunity to correct your conduct deficiencies but continued to commit additional misconduct; which led to your GEN discharge. 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; a standard the Board found was not met in your case. Finally, the Board noted that there is no law or regulation that provides for an automatic upgrade of a characterization of service based solely on the passage of time.

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 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, _____
8/18/2025

