



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

██████████
Docket No. 1743-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████, USN,
XXX-XX-██████████

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his discharge be upgraded to General (Under Honorable Conditions) (GEN), and that his narrative reason for separation and separation code be changed to reflect permanent disability. Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 5 September 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's 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 the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 3 May 1993. Due to failure to disclose pre-service civil involvement of being arrested and fined for fare evasion, he was administratively counseled that he was being retained in spite of his defective enlistment due to fraudulent entry.

c. After a period of continuous Honorable service, Petitioner immediately reenlisted on 2 May 1997. During his first enlistment, he had three entries for brief periods of unauthorized

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absence (UA). He was also issued an administrative counseling documenting two counts of assault consummated by battery and communicating a threat.

d. On 9 September 1998, Petitioner was subject to non-judicial punishment (NJP) for violations of the Uniform Code of Military Justice (UCMJ), to include two specifications of Article 92, for failure to obey a lawful order, Article 111, for drunk driving, and Article 112, for being drunk on duty. He was issued a punitive letter of reprimand as punishment.

e. Petitioner was involved in a vehicle accident in November 1998, which resulted in him being medically evacuated to ██████████. He remained there while being processed through the Disability Evaluation System (DES).

f. On 23 November 1999, a physical evaluation board (PEB) found him unfit for further service and recommended that he be transferred to the Temporary Disability Retired List (TDRL).

g. Petitioner was honorably released from active duty and transferred to the TDRL on 3 January 2000.

h. While Petitioner was on the TDRL, an investigation of offenses which occurred during his active service resulted in the Secretary of the Navy granting jurisdiction to convene a General Court-Martial (GCM) by recalling Petitioner from his TDRL status¹.

i. On 10 October 2002, Petitioner was convicted by GCM for offenses that included Article 81, conspiracy to commit larceny, Article 121, larceny of currency in excess of \$500, and 10 specifications of Article 134, for solicitation to commit the offense of larceny. He was sentenced to confinement for a period of four years with automatic total forfeiture of pay and allowances, reduction to the paygrade of E-1, a fine of \$10,000, and a Dishonorable Discharge (DD). However, his pre-trial agreement (PTA) limited the period of confinement to 30 months.²

j. Petitioner contends that his GCM conviction is a serious blemish on his service; however, he believes that his post-discharge behavior and accomplishments demonstrate that he has persevered obstacles to become a successful, contributing member of society, family man, and active member of his community. His personal statement describes the circumstances at the time of his offenses, following his reassignment to ██████████ due to his injury, and the financial concerns he was experiencing at the time he committed the misconduct. He believes his post-discharge evidence warrants consideration of clemency. In support of his request and for the purpose of clemency and equity consideration, he submitted his résumé, the

¹ The Board found no evidence Petitioner was recalled to active duty. In particular, the Board noted that he was referred to as "Retired" during court proceedings. However, the Board also noted the Navy retained UCMJ jurisdiction over Petitioner based on his retired status.

² The Board did not find a DD Form 214 in Petitioner's record documenting his recall to face a GCM. This is consistent with the Board finding that he was not recalled to active duty and remained in a retired status until he was dishonorably discharged.

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full record of trial, 10 letters of support, an employment letter, his service health records, PEB and medical board documents, his credit report, and photographs.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief.

The Board noted Petitioner's significant UCMJ offenses and does not condone his participation in fraud or larceny prior to his discharge; however, the Board favorably considered the factors of Petitioner's disabling injury, his mitigating family circumstances at the time of his misconduct, and his noteworthy resilience in overcoming the stigma of his punitive discharge and becoming a successful, contributing member of his community. The Board found that the favorable factors Petitioner submitted for consideration of clemency based on his post-service character outweighed the misconduct evidenced by his GCM conviction sufficiently to merit an upgraded characterization of discharge to GEN.

The Board did not concur that Petitioner's reason for discharge should be changed to disability. The Board determined Petitioner was properly referred to a GCM and convicted pursuant to his pleas. He also received the benefit of his PTA which reduced his period of confinement by approximately 18 months. Further, the Board considered that the recommended corrective action to change his characterization of service from a DD to GEN is significant clemency. Therefore, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That administrative remarks³ be inserted into Petitioner's record reflecting he was discharged with a "General (Under Honorable Conditions)" characterization of service on "10 October 2002," narrative reason of "COURT MARTIAL" conviction, separation authority of "MILPERSMAN 5815-010," separation code of "JJD," and reentry code of "RE-4."

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

³ Based on the fact Petitioner was not recalled to active duty and not entitled to a DD Form 214, the Board determined it was appropriate to document its decision in this manner.

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5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

1/15/2026



Executive Director

Signed by: [REDACTED]