



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

██████████
Docket No. 2139-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 22 July 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, 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).

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 entered active duty with the Navy on 19 July 1989. On 12 November 1989, you made a statement to a fellow Sailor that you did not like working in the fireroom and you would not be responsible for blowing up the ship because you were being kept in the division against your desire. On 16 November 1989, you made another statement to another Sailor that you would blow up the ship because you wanted to go back home and you would do it when you were not on board. On 18 November 1989, a command investigation was initiated, and you admitted to making the aforementioned statements. As a result, you were formerly charged with two specifications of communicating a threat to blow up the ship. On 22 November 1989, you submitted a written request for discharge for the good of the service (GOS) to avoid trial by court-

martial due to your misconduct. Prior to submitting this request, you conferred with a qualified military lawyer, at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. Your request was accepted and your commanding officer (CO) was directed to issue an Other Than Honorable (OTH) discharge for the GOS. On 18 December 1989, you were so discharged.

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 to upgrade your discharge and contentions that you were not properly represented, your attorney did not clearly explain the consequences of accepting an OTH discharge, another sailor lied to the CO regarding your statement, and having an OTH discharge has caused you a great deal of stress. You further contend that, since your discharge, you became a man of God, a pastor, a family man, a father, and remained trouble free. You also checked the "PTSD" and "Other Mental Health" boxes on your application but did not respond to the Board's request for supporting evidence of your claims. 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.

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 written statement admitting to issuing a threat to blow up the ship, written statements from two separate witnesses, and your voluntary request for a GOS discharge, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the negative impact your conduct had on the good order and discipline of your unit. Further, the Board noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was substantial and determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial; thereby sparing you the stigma of a court-martial conviction and possible punitive discharge. Furthermore, the Board considered that you provided no evidence, other than your statement, to substantiate your contentions. Contrary to your contention, the Board noted that your GOS separation request clearly states that your counsel fully advised you of the consequences of your request and you were fully satisfied with his advice¹. Additionally, as explained previously, you admitted to committing the misconduct in a voluntary statement and your admission was corroborated by two separate witnesses. Therefore, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions.

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

¹ Your request states specifically, "I have consulted with [your assigned counsel] a member of the Bar in the State of Kansas who has fully advised me of the implications of such a request... I am completely satisfied with the counsel I have received.... I understand that if this request is approved characterization of service as Other Than Honorable is authorized in my case and that I may in fact receive an administrative discharge under Other Than Honorable Conditions. I understand that such discharge may deprive me of virtually all veterans benefits based upon my current period of active service and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing. [Emphasis added]"

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 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,

8/6/2025

