



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

[REDACTED]
Docket No. 2254-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) USD (P&R) Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018
(c) NAVPERS 15560C, Naval Military Personnel Manual, 15 August 1991
(d) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/enclosures
(2) DD Form 214
(3) NAVPERS 1070/613, Administrative Remarks, 17 July 1990
(4) P601-6R, Record of Unauthorized Absence, 13 August 1991
(5) NAVPERS 1070/613, Administrative Remarks, 28 January 1992
(6) NAVPERS 1070/613, Administrative Remarks, 16 April 1992
(7) NAVPERS 1070/613, Administrative Remarks, 29 September 1992
(8) Petitioner's Memo, subj: Statement of my financial status and current indebtedness, 14 October 1992
(9) [REDACTED] ([REDACTED]) CO Memo 1910 Code 14, subj: Notice of an Administrative Board Procedure Proposed Action, 16 November 1992
(10) Petitioner's Memo, subj: Statement of Awareness and Request for, or Waiver of, Privileges, 16 November 1992
(11) [REDACTED] ([REDACTED]) CO Memo 1910 Ser 14/1432, subj: [Petitioner]; Recommendation for Separation by Reason of Misconduct due to a Pattern of Misconduct (Set Pattern of Failure to Pay Just Debts), 3 December 1992
(12) COMNAVMILPERSCOM Message, subj: Admin Discharge Authorization, dtg 211849Z DEC 92

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, hereinafter referred to as the Board, requesting that his characterization of service be upgraded to honorable.
2. The Board considered Petitioner's allegations of error or injustice on 16 June 2025 and pursuant to its governing policies and procedures, determined by a majority vote that the corrective action recommended below should be taken on Petitioner's naval record in the interests of justice. Documentary material considered by the Board included the enclosures;

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relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies, to include reference (b).

3. Having reviewed all the evidence of record pertaining to Petitioner's allegations of error or injustice, the Board found 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.
- b. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to waive the statute of limitation and consider Petitioner's application on its merits.
- c. Petitioner enlisted in the Navy and began a period of active-duty service on 16 July 1990. See enclosure (2).
- d. On 17 July 1990, Petitioner was formally counseled in writing regarding his fraudulent entry into the naval service. Specifically, Petitioner had failed to report a pre-service arrest for driving without a license during his enlistment process. He was warned that any further deficiencies in performance or conduct may result in processing for administrative separation. See enclosure (3).
- e. Petitioner was in an unauthorized absence (UA) status for approximately 24 hours on 11-12 August 1991. See enclosure (4).
- f. On 28 January 1992, Petitioner was formally counseled in writing regarding his “[c]ontinuing financial irresponsibility, to include delinquency [sic] of and/or failure to pay just debts; involvement with civilian authorities resulting in degenerating professional performance and military responsibilities.” He was warned that any further deficiencies in his performance and/or conduct may result in disciplinary action and processing for administrative separation. See enclosure (5).
- g. On 16 April 1992, Petitioner was again formally counseled in writing regarding “[c]ontinuing incidents and complaints received from the civilian sector regarding financial irresponsibility; specifically non-payment of just debts.” He was again warned that any further deficiencies in his performance and/or conduct may result in disciplinary action and processing for administrative separation. See enclosure (6).
- h. On 29 September 1992, Petitioner was again formally counseled in writing regarding his “failure to pay debt” and “issuing checks with insufficient funding.” He was again warned that any further deficiencies in his performance and/or conduct may result in disciplinary action and processing for administrative separation. See enclosure (7).
- i. By memorandum dated 14 October 1992, Petitioner provided his command with an accounting of the numerous unpaid debts he was unable to satisfy and requested to be administratively separated from the Navy for the convenience of the government for failure to pay those debts. See enclosure (8).

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j. By memorandum dated 16 November 1992, Petitioner was formally notified via the administrative board procedures that he was being considered for an administrative discharge from the Navy by reason of misconduct due to a pattern of misconduct. See enclosure (9).

k. Petitioner acknowledged the notification referenced in paragraph 3j above on the same day and waived all of his rights with regard to the administrative discharge process. He also indicated that he did not object to the proposed administrative separation. See enclosure (10).

l. By memorandum dated 3 December 1992, Petitioner's commander recommended that Petitioner be discharged from the Navy under other than honorable (OTH) conditions for misconduct due to a pattern of misconduct. In making this recommendation, Petitioner's commander stated the following: "[Petitioner] has been repeatedly counseled throughout various levels of the command regarding his financial situation. Unfortunately, there seems to be no getting through to him. The reckless abandon with which he conducts his financial affairs is not in keeping with his enlistment oath, and reflects discredit upon himself, this command, and the Navy." See enclosure (11).

m. By message dated 21 December 1992, the separation authority directed that Petitioner be discharged from the Navy under OTH conditions for misconduct due to a pattern of misconduct. See enclosure (12).

n. On 30 December 1992, Petitioner was discharged from the Navy under OTH conditions for misconduct due to a pattern of misconduct. See enclosure (2).

o. Petitioner contends that the circumstances resulting in his discharge were due to financial hardships. He states that he married at a young age, and that he and his spouse faced significant financial difficulties due to their inexperience and irresponsibility at the time. Petitioner claims to have since matured and learned valuable lessons from this experience. He also claims to have been a law-abiding citizen who has worked diligently to improve his life. Petitioner's application is supported by several character references attesting to his family and religious values, work ethic, and volunteer service in his community. See enclosure (1).

MAJORITY CONCLUSION:

Upon careful review and consideration of all the evidence of record, the Majority of the Board determined that Petitioner's application warrants equitable relief in the interests of justice.

The Majority found no error in Petitioner's discharge under OTH conditions for misconduct due to a pattern of misconduct when it was administered. In accordance with paragraph 3630600.1(b)(2) of reference (c), a Sailor could be administratively separated for misconduct due to a pattern of misconduct based upon a set pattern of failure to pay just debts. Petitioner's pattern of failure to pay his just debts while in the Navy is well documented and not disputed. Accordingly, the factual predicate for his discharge upon this basis was satisfied. It also appears that the procedural requirements were satisfied to sustain Petitioner's discharge, as he was formally notified via the administrative board procedure that he was being considered for administrative separation and voluntarily waived all of his rights with regard to the administrative separation process. The record also reflects that Petitioner was formally

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counseled on multiple occasions regarding his failure to pay just debts and afforded ample opportunity to overcome his deficiencies before he was processed for administrative separation. Finally, in accordance with paragraph 3630600.3 of reference (c), discharges based upon misconduct were normally under OTH. The Majority found nothing in Petitioner's record which would have warranted an exception to this norm.

In addition to reviewing the circumstances of Petitioner's discharge for error when it was implemented, the Majority also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with reference (b). In this regard, the Majority considered, amongst other factors, the relatively minor and non-violent nature of Petitioner's misconduct; Petitioner's relative youth and immaturity at the time of his misconduct; Petitioner's claim to have matured and learned lessons from the poor judgment of his youth; the letters of support provided with Petitioner's application attesting to his character, work ethic, family values, and volunteer service in his community; Petitioner's post-service record of employment, providing further evidence of his rehabilitation; and the passage of time since Petitioner's discharge. Based upon these mitigating factors, the Majority determined that equitable relief is warranted in the interests of justice. Specifically, the Majority simply found the life-long stigma associated with a discharge under OTH conditions to be unduly harsh given the totality of the circumstances and Petitioner's apparent rehabilitation and maturation since his discharge. Accordingly, the Majority determined that Petitioner's discharge characterization should be upgraded to general (under honorable conditions).

While the Majority found the combined weight of the mitigating factors to sufficiently outweigh the severity of Petitioner's misconduct to justify the equitable relief described above, it did not find those mitigating factors to so significantly outweigh the severity of Petitioner's misconduct to justify the extraordinary relief that he requested. While none of Petitioner's individual acts of misconduct were particularly egregious, the severity of a pattern of misconduct is determined by the nature of the pattern itself rather than by the individual acts constituting the pattern.

Petitioner's pattern of misconduct was pervasive throughout this naval service. He was provided numerous opportunities and provided the assistance necessary to correct his deficiencies, but he refused to do so. His ongoing misconduct occupied a disproportionate amount of this leadership's time, undoubtedly having an adverse effect upon the good order, discipline, morale and readiness of the [REDACTED]. As such, the pattern of misconduct for which Petitioner was discharged was significant and the mitigating factors fell far short of that necessary to justify recharacterizing as honorable service which was decidedly not.

MAJORITY RECOMMENDATION:

Based upon its conclusions as discussed above, the Majority of the Board recommends that the following corrective action be taken upon Petitioner's naval record in the interests of justice:

That Petitioner be issued a new DD Form 214 reflecting that his service ending on 30 December 1992 was characterized as "General (under honorable conditions)." All other entries reflected on Petitioner's current DD Form 214, to include his narrative reason for separation and reentry code, are to remain unchanged.

That a copy of this record of proceedings be filed in Petitioner's naval record.

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That no further corrective action be taken on Petitioner's naval record.

MINORITY CONCLUSION:

Upon careful review and consideration of all the evidence of record, the Minority of the Board found insufficient evidence of any error or injustice warranting relief.

The Minority concurred with the Majority determination that there was insufficient evidence of any error in Petitioner's discharge under OTH conditions when it was administered.

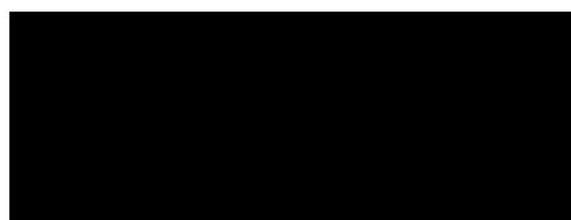
Like the Majority, the Minority also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with reference (b). In this regard, the Minority considered the same potentially mitigating factors as did the Majority but reached a different conclusion. Specifically, the Minority simply did not believe that the mitigating factors outweighed the severity of Petitioner's misconduct. As stated by the Majority, the severity of a pattern of misconduct is not based upon the individual acts of misconduct which make up the pattern but rather upon the nature of the pattern itself. Petitioner's relatively short naval career was essentially defined by his pattern of misconduct – it certainly warranted the OTH characterization assigned and Petitioner had a high burden to prove that a change to that characterization is warranted. He failed to satisfy that burden. Accordingly, the Minority found that the severity of Petitioner's misconduct far outweighed all of the mitigating factors combined, and that equitable relief is therefore not warranted based upon the totality of the circumstances.

MINORITY RECOMMENDATION:

Based upon its conclusions as discussed above, the Minority of the Board recommends that no corrective action be taken on 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 titled matter.
5. The foregoing action of the Board is submitted for your review and action in accordance with Section 6e(1)(b) of Enclosure (1) to reference (d).

9/23/2025



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ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

X MAJORITY Recommendation Approved (Partial Relief – I concur with the Majority’s conclusion and therefore direct the corrective action recommended by the Majority above.)

— MINORITY Recommendation Approved (Deny Relief – I concur with the Minority’s conclusion and therefore direct that no corrective action be taken on Petitioner’s naval record.)

— Petitioner’s Request Approved (Full Relief – I generally concur with the Majority’s conclusion that equitable relief is warranted based upon the totality of the circumstances, but do not believe that the corrective action recommended by the Majority goes far enough to serve the interests of justice. Specifically, I found that the mitigating factors did so significantly outweigh the severity of Petitioner’s relatively minor misconduct to justify the equitable relief that he requested. Accordingly, I direct the corrective action recommended by the Majority above, except that Petitioner’s service ending on 30 December 1992 is to be characterized as “Honorable.” Petitioner shall also be issued an Honorable Discharge Certificate.)

