



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

██████████  
Docket No. 2273-25  
Ref: Signature Date

████████████████████  
████████████████  
████████████████████

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 17 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, 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 enlisted in the U.S. Navy and began a period of active duty on 16 July 1985. On 23 July 1987, you received non-judicial punishment (NJP) for an unauthorized absence (UA) for a total of seven days and two specifications of disobeying a lawful order. On 28 August 1987, you were convicted by civilian authorities for attempting to commit robbery and use of a firearm in an attempt to commit a felony. On 17 September 1987, you began a period of UA that ended on 21 September 1987. You were notified of administrative separation processing for misconduct commission of a serious offense and civilian conviction and elected an administrative discharge board (ADB). On 4 December 1987, you began another period of UA that ended on 7 December

1987. On 10 December 1987, you were found guilty at summary court-martial (SCM) for three days UA, absent from your appointed place of duty, and two specifications of disobeying an order. You were sentenced to confinement.

On 17 December 1987, the ADB met and recommended your discharge with an Other Than Honorable (OTH) characterization of service. On 6 January 1988, you began another period of UA that ended on 15 January 1988. You began another period of UA on 23 January 1988 that lasted for two days. You received your second NJP, on 28 January 1988, for UA totaling 11 days and resistance, breach of arrest, and escape. On 31 March 1988, you received your third NJP for four specifications of UA, three specifications of failure to obey a lawful order or regulation, and larceny and wrongful appropriation. Then, on 7 April 1988, you received your fourth NJP for two specifications of failure to obey a lawful order or regulation. The SA accepted the ADB recommendation, and you were so discharged on 29 April 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 to obtain veterans' benefits and contentions that you take full responsibility for your misconduct that led to your OTH, your superior at the time was not amicable during your mental health problems that led to you being inpatient in the hospital, and you requested to be discharge. You also checked the "PTSD" and "Other Mental Health" box on your application but chose not to 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 NJPs, civilian conviction, 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. 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. Further, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. Furthermore, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits or enhancing educational or employment opportunities.

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 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,

7/10/2025

