



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

██████████  
Docket No. 2294-25  
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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session on 9 June 2025, has carefully examined your current request. 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 this 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).

You enlisted in the Navy and commenced active duty on 5 August 1986. On 21 June 1991, you were convicted in the Superior Court of the State of ██████████ of Second Degree Murder and Assault with a firearm (3 counts). You were sentenced to fifteen years to life in prison. Consequently, on 8 October 1991, you were notified of pending administrative separation processing with an Other Than Honorable (OTH) discharge by reason of misconduct due to civilian conviction. You elected to consult with legal counsel, submit a statement, and appear before an administrative discharge board (ADB). The ADB was held on 26 November 1991, resulting in a unanimous decision you committed the misconduct and should be separated with an OTH characterization of service. Your commanding officer (CO) recommended your discharge, the separation authority directed your discharge, and on 28 February 1992, you were so discharged.

You previously applied to this Board and were denied relief on 25 November 2008.

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 change your discharge characterization of service to Honorable. You did not include any contention in your application. Additionally, the Board noted you checked the "PTSD" and "Other Mental Health" boxes on your application but chose not respond to the Board's request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149, VA Statement in Support of Claim, and copy of your DD Form 214. The Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your civilian conviction for second degree murder and assault with a firearm, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved the death of a young woman and physical injury to two others. The Board found this conduct entirely incompatible with military service. The Board also considered the likely negative impact your misconduct had on the good order and discipline of your command, and the likely discrediting effect it had on the Navy and your fellow Sailors. Lastly, the Board opined you were fortunate to be administratively discharged with an OTH characterization when the same charges, if adjudicated in a military court, could have resulted in a Dishonorable Discharge.

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 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,

6/23/2025

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