



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

██████████
Docket No. 2718-25
Ref: Signature Date

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

Dear ██████████

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 20 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).

You enlisted in the U.S. Navy and began a period of active duty service on 11 August 1982. Your enlistment physical examination, on 2 March 1982, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms. On 27 November 1982, you reported for duty on board the ██████████ (██████) in ████████, ████████.

On 4 January 1983, you commenced a period of unauthorized absence (UA) that terminated on 12 January 1983. On 6 February 1983, you received non-judicial punishment (NJP) for your UA. You did not appeal your NJP.

On 28 November 1983, you commenced another UA that terminated on 1 December 1983. On 2 December 1983, you received NJP for your UA. You did not appeal your NJP.

On 31 August 1984, you commenced another UA that terminated on 3 September 1984. On 10 September 1984, you commenced yet another UA. Your command declared you to be a deserter on or about 9 October 1984. Your UA terminated on 11 October 1984. On 17 October 1984 you received NJP for: (a) your 3 and 31-day UAs, and (b) insubordinate conduct. In lieu of punishment, your command opted to refer your charges to a Summary Court-Martial (SCM). In the interim, you commenced another UA on 26 October 1984. Your UA terminated on 29 October 1984.

On 30 November 1984, you were convicted at a SCM of: (a) your 31 and 3-day UAs, and (b) insubordinate conduct. The SCM Officer sentenced you to forfeitures of pay, a reduction in rank to paygrade E-2, and restriction for 32 days. On 3 December 1984, the Convening Authority approved the SCM sentence as adjudged.

On 19 March 1985, you commenced another UA. While in a UA status you missed the movement of your ship on 19 March 1985. Your UA terminated on 20 March 1985.

On 23 March 1985, you commenced yet another period of UA. Your command declared you to be a deserter on 23 March 1985. Your UA terminated with your arrest by civilian authorities in ██████████, ██████████ on 17 May 1985.

On or about 8 June 1985, you were convicted at a Special Court-Martial (SPCM) of your 55-day UA. The Court sentenced you to confinement for sixty (60) days, forfeitures of pay, a reduction in rank to paygrade E-1, forfeitures of pay, and a discharge from the Navy with a Bad Conduct Discharge (BCD).

On 14 December 1985, the Convening Authority approved the SPCM sentence as adjudged. Upon the completion of SPCM appellate review in your case, on 3 March 1997, you were discharged from the Navy with a BCD and were assigned an RE-4 reentry code.

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 and contentions that: (a) you kindly ask for the Board's consideration of the extenuating circumstances that significantly influenced your actions during your enlistment, (b) your decision to serve was in many ways an attempt to break free from the toxic household you were raised in, (c) during your enlistment, your mother would call you frequently in distress, reporting instances of violence and danger within our home, (d) your father, who was mentally and physically abusive, frequently targeted both your mother and your younger siblings, (e) the phone calls from your mother caused immense emotional turmoil, (f) as these calls continued, you felt a deep fear for their well-being and knew that you had to act swiftly to prevent any further harm, (g) your actions, though in violation of Navy regulations, were driven by an intense and immediate need to protect your family from further harm, (h) in retrospect, you deeply regret the way you handled the situation, and (i) post-service you have since taken steps to rebuild your life and seek the necessary support for the trauma you experienced during your time at home and on active duty, and you have worked tirelessly to improve your mental health, demonstrate personal growth, and make amends for your past actions. You also checked the "Other Mental Health" box on your application but

chose not to 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 and the evidence you provided in support of it.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board did not believe that your record was otherwise so meritorious to deserve an upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board determined the record reflected that your misconduct was intentional and willful and demonstrated you were unfit for further service. The Board also 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.

The Board also noted that, although it cannot set aside a conviction, it might grant clemency in the form of changing a characterization of discharge, even one awarded by a court-martial. However, the Board concluded that despite your contentions this was not a case warranting any clemency as you were properly convicted at a SPCM of serious misconduct. The simple fact remained is that during your Navy career you left while you were still contractually obligated to serve and you went into a UA status without any legal justification or excuse on seven (7) separate occasions for a total of 101 days.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and the Board 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,

7/2/2025
