



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

██████████
Docket No. 2731-25
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 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 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).

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 Naval Reserve and commenced a period of active duty on 8 September 1986. You received an Honorable (HON) discharge upon your release from active duty on 4 April 1987. You thereafter commenced a second period of active duty, also ending with an HON discharge on 6 April 1994. You immediately reenlisted and received a third HON discharge prior to your final enlistment; which began on 2 April 2000.

On 8 November 2001, you received non-judicial punishment (NJP) for an orders violation, cruelty and maltreatment, and indecent assault upon a female Sailor.

On 1 October 2002, you were convicted a General Court-Martial (GCM) after pleading guilty to violating Article 92 of the Uniform Code of Military Justice (UCMJ), on two occasions; Article 93 of the UCMJ, for cruelty and maltreatment of two additional female Sailors; and Article 128, for assault consummated by battery of those two additional female Sailors. You were sentenced to confinement for 173 days and reduction to paygrade E-3.

On 17 July 2002, you were notified of intended administrative separation processing for misconduct due to commission of a serious offense and pattern of misconduct. You waived all rights available to you but for the right to obtain copies of documents used in the separation process. You were discharged with an Other than Honorable Conditions (OTH) characterization of service for misconduct due to commission of a serious offense.

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 characterization of service and your contentions that you have changed the way you have lived ever since the above listed events and have not since gotten in trouble. You further state you are active with your church and participate in outreach and volunteer work within your community. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the advocacy letters you provided.

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 NJP and GCM conviction, 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 an opportunity 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. The Board determined such behavior is contrary to military core values and policy, demonstrates disregard and disrespect for the welfare and safety of your shipmates, and left you unsuitable for military service. The Board additionally opined, given the nature of your misconduct, you were fortunate to have ultimately received an administrative, rather than a punitive, 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,

7/23/2025

[REDACTED]

Executive Director

Signed by: [REDACTED]