



**DEPARTMENT OF THE NAVY**

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 3239-25

Ref: Signature Date

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 you did not file your application in a timely manner, the Board waived the statute of limitation in the interest of justice. A three-member panel of the Board, sitting in executive session, considered your application on 30 September 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 Navy after receiving a waiver for pre-service drug use and a non-minor misdemeanors that included simple battery and theft, and you began a period of active duty on 11 January 2000. On 21 September 2000, you received your first nonjudicial punishment (NJP) for violations of Articles 86 and 87 of the Uniform Code of Military Justice (UCMJ) due to a four-hour period of unauthorized absence (UA) during which you missed your ship's movement through neglect. You received a second NJP, on 20 January 2001, for five specifications of violation of Article 89 due to disrespect toward a superior commissioned officer, two specifications of violation of Article 91 due to disrespect toward a chief petty officer, and Article 107 for issuing a false official statement. On 29 March 2002, you were placed into pre-trial confinement pending a single charge and specification that was tried before Special Court-Martial (SPCM) on 4 June 2002. You pleaded guilty and were convicted of violating Article 128 of the UCMJ by committing assault with an unloaded firearm. In addition to 90 days of confinement and reduction to the paygrade of E-1, your sentence included a Bad Conduct

Discharge (BCD). The findings and sentence of your SPCM proceedings were affirmed upon completion of the appellate review process and your punitive discharge was ordered executed. You were so discharged on 14 October 2003.

You previously applied to the Naval Discharge Review Board (NDRB) contending that your post-discharge character and accomplishments warranted consideration of clemency. You were working as a security guard with a certification in Homeland Security and volunteering as a math tutor for high school students in the [REDACTED] area. However, you contended that you were unable to complete the hiring process with NASA due to your clearance issues related to your SPCM conviction and discharge status, and you felt that your discharge was unduly harsh given that it was based upon “a very stupid prank” you pulled in 2002. Your request was reviewed on 9 February 2006 and denied. At that time, the NDRB determined that your mitigating factors were insufficient to mitigate the seriousness of the offense for which your discharge was awarded.

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 discharge and change your narrative reason for separation. You contend that your discharge was unjust due to being unduly harsh in contrast to the relative severity of your offense, your otherwise Honorable service prior to that one incident, the 20 years you have lived with your punishment, and your evidence of rehabilitation, against the odds, in the years since your discharge. One of your character letters, from a retired Navy chief who worked with you during your service describes that you experienced hazing during your military service, in a way that would not be tolerated in today’s Navy, which caused you difficulties adjusting to military life. She described the “practical joke” incident which resulted in your conviction for assault as an immature and rash attempt to fit in with other sailors. You further note that a 30-second prank has left a permanent stain on your life in spite of working exceptionally hard to overcome it. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and the evidence you provided in support of your application.

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 and SPCM, 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 BCD. 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, although the Board favorably observed your significant evidence of post-service accomplishments, the Board did not concur with your assessment of the incident which resulted in your assault conviction as a simple prank given the involvement of a weapon and noted that your service prior to your SPCM conviction included two NJPs.

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 the 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 is attached 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,

12/1/2025

