



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

██████████  
Docket No. 3491-25  
Ref: Signature Date

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

Dear ██████████

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 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 18 August 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, 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 Reserves and began a period of active duty on 16 June 1983. Prior to commencing active duty, you admitted preservice use of drugs and an arrest. On 21 May 1984, you began a period of unauthorized absence (UA) which lasted nine days and resulted in nonjudicial punishment (NJP) on 11 June 1984. Between 17 August 1984 and 10 September 1984, you began two additional periods of UA totaling 11 days. On 20 September 1984, you received a second NJP for four periods of UA, disobeying a lawful order, and disrespect towards a superior petty officer. On 6 October 1984, you received a third NJP for UA from your appointed place of duty and two specifications of disobeying a superior petty officer.

On 29 October 1984, you were convicted by summary court martial (SCM) for resisting apprehension by shore patrol, stealing U.S. currency in the amount of \$369.00, and intentionally jumped from ██████████ into the sea. You were sentenced to a period of confinement at hard labor and forfeiture of pay. Consequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct and commission of

a serious offense. After you decided to waive your procedural rights, your commanding officer recommended your discharge with an Other Than Honorable (OTH) characterization of service. The separation authority approved the recommendation by reason of misconduct due to pattern of misconduct.

In the meantime, on 8 January 1985, you began a period of UA which lasted 23 days and resulted in you missing ship's movement. On 7 February 1985, you were convicted by SCM for the period of UA and missing ship's movement. You were sentenced to confinement at hard labor and forfeiture of pay. On 8 February 1985, you were incarcerated by civil authorities and charged with robbery accessory. Upon your release from civilian authorities, you were so discharged from the Navy with an OTH on 4 March 1985.

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 contention that you are seeking to apply for Department of Veterans Affairs medical benefits. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and DD Form 214.

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 SCMs, 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. Finally, 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 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. 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 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,

9/2/2025

