



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████
Docket No. 3531-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF ██████████ USN,
██████████

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his discharge be upgraded to Honorable and that his narrative reason for separation and separation code be changed to reflect the basis of Secretarial Authority. Enclosure (1) applies.

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 15 December 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's 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 the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 2 January 1991. After a period of continuous Honorable service, he immediately reenlisted and commenced a final period of active duty on 13 October 1995.

c. On 2 November 1996, Petitioner's command received a letter from a store informing them that Petitioner had written a check from a closed account.

d. On 8 April 1997, Petitioner was convicted at Summary Court-Martial (SCM) for violations of the Uniform Code of Military Justice (UCMJ), that included: three specifications under Article 107, for signing false official documents, with intent to deceive, claiming false information in his dependent's record of emergency data, claim temporary lodging expenses for

dependents who did not relocate, and claiming travel expenses for dependents who did not relocate; two specifications under Article 121, for stealing articles of clothing from a store and for stealing currency, the property of the U.S. government, in excess of \$100 through receipt of fraudulent travel pay, per diem, and dislocation allowance; Article 123a, for writing a check to a store, with intent to defraud, knowing there were insufficient funds; and, two specifications under Article 134, for presenting a travel voucher and a TLE claim for payment, knowing each was false. Given the SCM forum, he was sentenced to 14 days restriction and reduction to the paygrade of E-3.

e. On 15 July 1997, Petitioner was convicted by civil authorities for petit theft after pleading no contest. He received a \$100 fine but adjudication was otherwise withheld and he was credited with one day in jail and assigned one day supervised probation.

f. On 29 July 1997, Petitioner was again convicted by civil authorities; this time for reduced charges of battery and domestic violence against his then-girlfriend who, at the time, was seven months pregnant with his child. He again pleaded no contest and was issued a \$100 fine. He was credited with 26 days in county jail and assigned to a first step program.

g. On 4 March 1998, Petitioner was notified of processing for administrative separation by reason of misconduct due to commission of a serious offense (COSO) and civilian conviction. After consulting legal counsel, he elected to waive his right to an administrative hearing. The recommendation for his separation under Other Than Honorable (OTH) conditions was approved for the primary basis of COSO and he was so discharged on 4 May 1998.

h. At the time his discharge certificate was issued, Petitioner's period of continuous Honorable service was omitted from his block 18 remarks.

i. Petitioner contends that his post-discharge character favors a second chance and reflects his rehabilitation. He believes that he has paid for his misconduct and would like consideration of an upgraded characterization. Petitioner also checked the "Other Mental Health" box on his application but chose not to respond to the Board's request for supporting evidence of his claim. In support of his application, in addition to his legal counsel's brief and personal statement, he submitted two character letters.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, as previously discussed, Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) fails to annotate his period of continuous Honorable service from 2 January 1991 to 12 October 1995 and requires correction.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's discharge characterization, reason for separation, and separation code remain appropriate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. These included,

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[REDACTED]

but were not limited to, his desire for the changes to his record and previously mentioned contentions. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which consisted of his DD Form 149 and the evidence he provided in support of his application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his SCM and civilian convictions, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and found that his conduct showed a complete disregard for military authority and regulations. The Board observed Petitioner was given multiple opportunities to correct his conduct deficiencies but chose to continue to commit misconduct; which led to his OTH discharge. Petitioner's conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of his command. In this regard, the Board observed that Petitioner not only knowingly committed fraud against the government but also committed serious offenses of a violent nature against a pregnant individual.

As a result, while the Board carefully considered the evidence Petitioner 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 Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a Correction to Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 4 May 1998, to reflect the following comment added to the Block 18 Remarks section:

"CONTINUOUS HONORABLE SERVICE FROM 2JAN1991 TO 12OCT1995."

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

1/13/2026

