



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

██████████
Docket No. 3842-25
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 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 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 Naval Reserve and commenced active duty on 17 September 1986. On 18 February 1987, you received non-judicial punishment (NJP) for failure to follow a lawful order and assault. On 28 March 1987, you received NJP for dereliction in the performance of your duty. On 8 April 1987, you received NJP for breach of peace. On 22 April 1987, you received NJP for two instances of insubordinate conduct toward a warrant, non-commissioned, or petty officer, failure to obey a lawful order or regulation, riot or breach of peace, provoking speeches or gestures, and disorder and neglect to the prejudice of good order and discipline.

Consequently, you were notified on intended administrative separation processing by reason of misconduct due to commission of a serious offense. You waived all rights available to you, but for the right to obtain copies of documents used in the separation process. Your officer in charge recommended your separation with an Other Than Honorable (OTH) characterization of service. The separation authority approved the recommendation and you were so discharged on 4 June 1987.

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 your contentions that your OTH was based on lies told by a Chief Petty Officer (CPO) on board the ██████████ ██████████, a review of your entire military service record shows you served honorably with no disciplinary actions and no bad evaluations, other service members and your immediate command created and/or allowed a hostile sexual environment that you did not accept or take part in, your unwillingness to take part in the environment possibly led to your CPO lying about you being derelict, you were never derelict in your duties, the CPO would laugh at sexual and vulgar statements made by other service members towards you, the CPO exposed himself to you, you are not gay and the actions of others caused you to lose your hope and dream of serving the Navy for 20 years. You also checked the "Sexual Assault/Harassment" box on your application but chose not to respond to the Board's 4 June 2025 letter requesting 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 VA statement in support of a claim.

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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness 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, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. However, contrary to your contention, the Board found ample evidence that your brief period of active duty was replete with misconduct; which resulted in a final trait average of 2.0.

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 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,

7/25/2025

[REDACTED]

Executive Director

Signed by:

[REDACTED]