



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

[REDACTED]  
Docket No. 3936-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],  
USN, XXX-XX-[REDACTED]

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

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting an upgrade of his discharge. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 14 July 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, and 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.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active service on 5 July 1984. After a period of continuous Honorable service that included a reenlistment, Petitioner immediately reenlisted and began his final period of active duty on 5 April 1991.

d. On 8 May 1996, Petitioner was convicted by a civilian court in [REDACTED], [REDACTED], of two violations of driving under the influence of alcohol. His sentence included fines and restitution.

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e. On 4 September 1996, Petitioner received an administrative remarks (Page 13) counseling concerning deficiencies in his performance and/or conduct. He was advised that any further deficiencies in his performance and/or conduct may result in disciplinary action and processing for administrative discharge.

f. On 15 September 1996, Petitioner was convicted at General Court-Martial (GCM) of violating Article 92 of the Uniform Code of Military Justice (UCMJ) by engaging in an unduly familiar relationship with a Seaman Recruit and violating Article 125 of the UCMJ, by committing sodomy with a Seaman Recruit, who was not his wife. He was sentenced to confinement for 75 days and reduction to paygrade E-4.

g. On 10 January 1997, Petitioner was notified of administrative separation processing by reason of misconduct due to commission of a serious offense, pattern of misconduct, and civil conviction. He elected all rights available to him in the separation process; including the right to appear before an administrative discharge board (ADB).

k. On 23 January 1997, the ADB unanimously voted to separate the Petitioner with an Under Other Than Honorable Conditions (OTH) characterization of service.

l. The Separation Authority approved the ADB recommendation and Petitioner was so discharged on 25 February 1997. He was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that did not annotate his continuous Honorable service from 6 May 1987 to 4 April 1991.

m. Petitioner contends his service prior to his misconduct was Honorable and he was in good standing with the Navy. For purposes of clemency and equity consideration, Petitioner provided his DD Form 149 without any other additional documentation.

## CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. As explained above, the Board noted Petitioner's DD Form 214 does not document his continuous Honorable service for the period of 6 May 1987 through 4 April 1991 and requires correction.

Notwithstanding the corrective action recommended below, the Board found no error or injustice in Petitioner's OTH discharge for misconduct. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warranted relief in accordance with reference (b). These included, but were not limited to, Petitioner's desire for a discharge upgrade and his previously discussed contentions.

After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that his misconduct, as evidenced by a civilian conviction and GCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of his misconduct and the disregard his misconduct showed for the safety and welfare of others. The Board also found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed

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Petitioner was given an opportunity 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.

As a result, the Board determined that there was no impropriety or inequity in Petitioner's discharge and concluded that his misconduct and disregard for good order and discipline clearly merited his 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 Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity.

#### RECOMMENDATION

That Petitioner be issued a "Correction to DD Form 214, Certificate of Release or Discharge from Active Duty" (DD Form 215), for the period ending 25 February 1997, to reflect the following comment added to the Block 18 Remarks section:

"CONTINUOUS HONORABLE SERVICE FROM 6MAY1987 TO 4APR1991."

That no additional changes be made to Petitioner's naval record.

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

7/24/2025

