



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

██████████
Docket No. 3955-25
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 case 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 this 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 and commenced active duty on 10 December 1986. After a period of continuous Honorable service, you immediately reenlisted and commenced a final period of active duty on 29 September 1997.

On 13 April 1999, you received NJP for driving under the influence and leaving the scene of an accident. Additionally, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and/or conduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 16 July 1999, you completed Level 2.0 Intensive Outpatient Treatment for Alcohol Dependence.

On 3 October 1999, you were notified of pending administrative separation processing with an Other Than Honorable (OTH) discharge by reason of misconduct due to commission of a serious offense and alcohol rehabilitation failure. On 8 October 1999, you received NJP for failure to

obey a military protection order and received a reduction in paygrade. On the same date, you waived all rights available to you in the above-referenced administrative separation process. Your Commanding Officer recommended your separation with an Other Than Honorable (OTH) characterization. The separation authority concurred with this recommendation and directed your discharge for commission of a serious offense. You were so discharged on 23 November 1999.

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 be reinstated to paygrade E5 and have your characterization of service upgrade to Honorable. You contend that you were introduced to alcohol and forced to drink by supervisors onboard your first ship, on different occasions you witnessed the physical abuse of co-workers for not being tough, the drinking and partying got worse during port calls, you received only minor discipline for your conduct, you were treated well because you were a good worker, you were emotionally impacted when a young shipmate was lost due to a flight deck accident, you were again pressured into drinking after you underwent rehabilitation treatment, you got your second DUI on your fourth tour, and you suffered periods of loneliness and depression, and you continue to struggle with drinking. Post-discharge, while drinking, you got in a fight with your brother-in-law, shot him to death, and have spent nearly 18 years in prison. You have complied with all parole stipulations and accepted responsibility for all of your actions but think you were treated badly prior to your military discharge and were not properly diagnosed during your separation physical. You believe that you had a good work history in the Navy and should be reinstated with an HON discharge. You also checked the "PTSD" box on your application but chose not to respond to the Board's 16 April 2025 letter requesting supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 and personal statement without any additional documentation for the Board's consideration.

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 during your final enlistment, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and determined such behavior shows a clear disregard for the safety and welfare of yourself and others, as well as complete disregard for both military and civilian laws. 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. Further, the Board was not persuaded by your contention that your superior performance warrants upgrading your characterization of service and reinstating your paygrade to E-5. As explained in your commanding officer's endorsement to your administrative separation package, your conduct was flagrant and detracted from your potential to be a good Sailor. While you may have performed well during working hours, the Board agreed you're your commanding officer's determined that your work performance was insufficient to mitigate your extensive after hours misconduct.

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 discharge¹. 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,

8/27/2025



¹ In making this finding, the Board also found no basis to reinstate your paygrade to E-5.