



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

██████████  
Docket No. 4149-25  
Ref: Signature Date

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

Dear ██████████

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 2 September 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 U.S. Navy and began a period of active duty on 1 December 1988. After a period of continuous Honorable service that included three enlistment periods, you immediately reenlisted and commenced your last period of active duty on 5 August 2003. You extended this enlistment for two months, on 7 October 2005, and for 37 months, on 18 September 2006.

On 3 March 2008, you were arrested for use of a computer to persuade, induce, entice or coerce a person under the age of 18 to engage in sexual activity. On 17 May 2008, you were found guilty and eventually sentenced to 17 years, and seven months confinement, followed by lifetime of supervised release, and \$100 lump sum payment for criminal monetary penalties. Consequently, you were notified of administrative separation processing for misconduct due to civilian conviction and elected an administrative discharge board (ADB). The ADB met on 6 May 2009 and determined you met the basis for separation and recommended your discharge with an Other

than Honorable (OTH) characterization of service. The SA accepted the recommendation, and you were so discharged on 2 November 2009.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 27 September 2022, based on their determination that your discharge was proper as issued. However, the NDRB noted your continuous Honorable service was not annotated on your DD Form 214 and recommended a DD Form 215 be issued. A DD Form 215 annotating your period of continuous Honorable service was issued on 19 January 2023.

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 an upgrade in your characterization of service and contentions that you served 18 and a half years with honor, courage, dignity, and commitment, and you served your country proudly. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional documentation.

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 civilian conviction, 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. Further, the Board considered the discrediting effect your conduct had on the Navy. Additionally, the Board noted that, although one's service is generally characterized at the time of discharge based on performance and conduct throughout the entire enlistment<sup>1</sup>, the conduct or performance of duty reflected by only a single incident of misconduct may provide the underlying basis for discharge characterization. There is no precedent within this Board's review, for minimizing the "one-time" incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit, it can neither be excused nor extenuated solely on its isolation. Finally, the Board determined that characterization with an OTH is appropriate when the basis for discharge is the commission of an act or acts constituting a significant departure from the conduct expected of a Sailor.

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.

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<sup>1</sup> As explained earlier, you had a period of continuous Honorable service that pre-dated your civilian conviction and eventual administrative separation with an OTH characterization of service. While the Board has no cognizance over Department of Veterans Affairs (VA) eligibility determinations, it noted you may be eligible for VA benefits based on your period of continuous Honorable service. The Board recommends you contact your nearest VA office to determine your eligibility based on the DD Form 215 in your record.

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,

9/12/2025

