



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

[REDACTED]
Docket No. 4694-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN,
[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 July 1918 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

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 naval record be corrected to upgrade his characterization of service and to make other conforming changes to his DD Form 214.

2. The Board, consisting of [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 6 June 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 interests of justice to review the application on its merits.

c. The Petitioner originally enlisted in the U.S. Navy and began a period of active service on 11 January 1983. Petitioner's pre-enlistment physical examination, on 8 June 1982, and self-reported medical history both noted no psychiatric or neurologic conditions of symptoms.

d. Petitioner reenlisted on 12 November 1986. On 19 December 1989, Petitioner was convicted at a General Court-Martial (GCM) of: (1) the wrongful solicitation to commit an offense (sodomy), and (2) indecent liberties with a female under the age of sixteen (16) years of

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age. The Court sentenced Petitioner to twelve (12) months of confinement. According to the Family Advocacy Program (FAP) case history, the victim in this case was Petitioner's stepdaughter. The Petitioner's mother disclosed that she found Petitioner in the bathtub with the stepdaughter in a manner that caused concern. The abuse consisted of digital and attempted penile penetration, mutual oral sodomy, and having the child masturbate the Petitioner. The Petitioner admitted culpability and ceased contact with the children. On 20 September 1990, the Convening Authority approved the GCM sentence.

e. On 2 October 1990, the Naval Military Personnel Command authorized Petitioner to reenlist noting his successful completion of the FAP rehabilitation process. On 28 April 1992, the Bureau of Naval Personnel removed the reenlistment restriction from his service record.

f. On 28 July 1992, Petitioner reenlisted in the U.S. Navy. Upon completion of the enlistment, Petitioner immediately reenlisted on 20 January 1997.

g. On 19 June 1998, [REDACTED] authorities initially arrested Petitioner for possession of child pornography. Petitioner provided a voluntary statement to NCIS, where he admitted that he started downloading child pornography in 1997. The NCIS Investigative Summary included the following pertinent facts:

Investigation initiated following a report from the Naval Marine Corps Reserve Center Phoenix (NMCRS) that a computer disk containing child pornography was found in SNM's office at NMCRS. Additionally, child pornography related web site links were found on SNM's computer during routine maintenance.

SNM was on permissive TAD with the Sea Cadet Program and was recalled and interrogated.

SNM admitted the disk found in his office was his, that he had downloaded the child. pornography onto the disk, and that both his work computer and his home computer have child pornography on them. Also admitted he has traded child pornography, and that he has talked to young girls in teen chat rooms on the internet.

20 Jun 98: Spouse authorized search of the residence, and a review of home computer and disks at his residence disclosed additional child pornography.

-SNM stated he is a "stress induced pedophile" and a cross dresser.

-Indicted by [REDACTED] authorities on multiple counts of child exploitation; held on \$80,000 bail.

h. Beginning on or about 23 June 1998, Petitioner was held by civilian authorities on sexual exploitation charges.¹ On 10 March 2000 Petitioner was convicted by a jury in the Superior Court of [REDACTED] of three (3) separate felony charges of the sexual

¹ Each day spent in civilian custody is an unauthorized absence (UA) status. The total "time lost" for Petitioner until his final 2001 discharge was approximately 934 days (23 June 1998 – 12 January 2001).

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exploitation of a minor. The Court determined that the suspension of the sentence and a term of probation were not appropriate. Petitioner was sentenced to three (3) consecutive seventeen (17) year sentences. The Board noted that Petitioner is still currently incarcerated in [REDACTED] as of the date of the Board.

i. On 15 March 2000, Petitioner's command initiated administrative separation proceedings by reason of misconduct due to a civilian conviction. On 16 March 2000, Petitioner elected his right to request an administrative separation board (Adsep Board).

j. On 13 July 2000, an Adsep Board convened in Petitioner's case. Petitioner was not present at the Adsep Board but was represented by military counsel. Following the presentation of evidence and any witness testimony, the Adsep Board members unanimously recommended that Petitioner committed the misconduct as charged and that he should be separated with an under Other Than Honorable conditions (OTH) discharge characterization.

k. On 25 July 2000, the Petitioner's commanding officer (CO) recommended to the Separation Authority that he receive an OTH discharge characterization. In his recommendation, the CO noted, in pertinent part:

OS1 Hickman was convicted by court-martial in 1989 and served a year in the Brig for a similar offense. In addition, [REDACTED] complete violation of my trust as the center computer information officer occurred when he assured me that no unauthorized internet access was happening, when I asked him two weeks prior to his arrest. At the same time, he had secretly stored child pornography in a government office, an inexcusable act of deceit.

l. On 15 November 2000, the Chief of Naval Personnel recommended to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) ("ASN(MRA)") that Petitioner receive an OTH discharge characterization. On 15 December 2000, the ASN(MRA) approved and directed Petitioner's OTH discharge characterization due to his civilian conviction.

m. Ultimately, on 12 January 2001, Petitioner was discharged from the Navy for misconduct due to a civilian conviction with an OTH discharge characterization of service and was assigned an RE-4 reentry code. Petitioner's DD Form 214 did not annotate his period of continuous Honorable service from 28 July 1992 to 19 January 1997.

n. In short, Petitioner contended, in part, that his discharge was inequitable because it was based on an isolated incident that occurred after already serving honorably for numerous years. Petitioner also stated that he is currently trying to obtain VA benefits so that upon his release from prison he will have at least have something, but he contended that his OTH is preventing his receipt to VA benefits. For the purpose of clemency and equity consideration, Petitioner provided his DD Form 149 and a personal statement.

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CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, as discussed above, the Board noted Petitioner's DD Form 214 does not annotate his period of continuous Honorable service and requires correction. The Board noted that the misconduct forming the basis of Petitioner's OTH discharge technically occurred during his fourth enlistment period. Thus, the Board concluded that an administrative change to Petitioner's DD Form 214 should be made to reflect that only his third enlistment period was completed without any significant adverse disciplinary action.² The Board was aware that the Department of the Navy no longer issues a separate DD Form 214 to enlisted personnel at the completion of each individual enlistment, and instead makes appropriate notations in the Block 18 Remarks section upon their final discharge or retirement from the armed forces reflecting such previous enlistments.

Regarding Petitioner's request for a discharge upgrade, 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, but were not limited to, his desire for a discharge upgrade and the previously discussed contentions.

The Board did not believe that Petitioner's record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of Petitioner's conduct and/or performance greatly outweighed any positive aspects of his military record. The Board determined that characterization under OTH conditions is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a Sailor. The Board determined the record reflected that Petitioner's egregious misconduct underlying his civilian conviction was intentional and willful, and demonstrated he was unfit for further service. The Board also determined that the evidence of record did not demonstrate that Petitioner was not mentally responsible for his conduct or that he should not be held accountable for his actions. Moreover, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

As a result, the Board determined that there was no impropriety or inequity in Petitioner's discharge and concluded that his serious misconduct and disregard for good order in 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 relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that Petitioner's request does not merit relief, with the exception as noted below.

² The Board noted Petitioner's second enlistment between November 1986 and July 1992 was marred by a GCM conviction, and thus would be entirely excluded from any service record notation reflecting Honorable service. The Board also noted that Petitioner received a separate DD Form 214 documenting his first enlistment period ending 11 November 1986.

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RECOMMENDATION:

In view of the foregoing, the Board finds the existence of material errors warranting the following corrective action.

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 12 January 2001, to reflect the following comment added to the Block 18 Remarks section:

"CONTINUOUS HONORABLE SERVICE FROM 28JUL1992 TO 19JAN1997."

Following the correction(s) to the DD-214 for the period ending 12 January 2001, that all other information currently listed on such DD-214 remain the same.

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 Regulations, 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.

6/16/2025

