



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 5124-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER ██████████
USN, ██████████

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

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 his characterization of service be upgraded. Enclosures (1) through (2) apply.

2. The Board, consisting of ██████████ and ██████████ reviewed Petitioner's allegations of error and injustice on 25 November 2025 and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval service records, 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, the statute of limitation was waived in the interests of justice.

c. Petitioner enlisted in the U.S Navy and began a period of active duty on 18 July 1988. After a period of continuous Honorable service, he immediately reenlisted on 27 July 1992.

d. On 18 March 1994, Petitioner received non-judicial punishment (NJP) for three specifications of unlawfully assaulting a female Sailor. On 15 April 1994, Petitioner received a second NJP for 24 days unauthorized absence (UA) and breaking restriction.

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USN, [REDACTED]

e. Consequently, the Petitioner was notified of administrative separation processing for misconduct commission of a serious offense. The Petitioner waived his rights and the Commanding Officer (CO) made his recommendation to the Separation Authority (SA) that Petitioner be discharged with an Other Than Honorable (OTH) characterization. The SA accepted the recommendation and Petitioner was so discharged on 15 June 1994. Upon his discharge, Petitioner was issued a DD Form 214 that did not annotate his period of continuous Honorable service from 18 July 1988 to 26 July 1992.

f. Petitioner contended that he completed his initial enlistment and received an OTH after he reenlisted for another two years. For purposes of clemency and equity consideration, the Board considered the totality of the Petitioner's application; which consisted solely of his DD Form 149 without any other additional documentation.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's record warrants partial relief. Specifically, as discussed above, the Board determined Petitioner's DD Form 214 fails to annotate his continuous Honorable service from 18 July 1988 through 26 July 1992 and requires correction.

Notwithstanding the below recommended corrective action, the Board concluded insufficient evidence exists to support Petitioner's request for an upgrade in characterization of service. 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, Petitioner's desire for a discharge upgrade and his contention that his first enlistment period should mitigate his misconduct.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJP during his final enlistment, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of his misconduct and the fact it included multiple assaults on a female Sailor that occurred over a three-day period. The Board found Petitioner's conduct fell well outside acceptable conduct expected of service member and a serious detriment to 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 a discharge upgrade or granting him an upgrade as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct.

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USN, [REDACTED]

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 15 June 1994, indicating the following changes:

Block 18. "CONTINUOUS HONORABLE SERVICE FROM 880718 TO 920726"

No further changes be made to Petitioner's record.

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.

12/5/2025

