



4. On 2 September 1993, you received NJP for false official statement and three specifications of failure to obey a lawful order by wrongfully smoking while the ship was refueling and smoking in unauthorized spaces. You appealed the results of the NJP indicating you did smoke in unauthorized spaces but did not know the ship was refueling. Your appeal was denied.

5. On 20 October 1993, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to commission of a serious offense and pattern of misconduct. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB).

6. The ADB found that you had committed misconduct due to a pattern of misconduct and commission of a serious offense by failing to obey lawful orders. However, the ADB determined you did not make a false official statement. The majority of the Board recommended that you be retained and one member disagreed.

7. Your commanding officer did not concur with the ADB's recommendation and recommended you be discharged by reason of misconduct. Ultimately, the separation authority concurred with your commanding officer and directed you be discharged with a General (Under Honorable Conditions) (GEN) discharge by reason of misconduct due to commission of a serious offense. On 5 January 1994, you were so discharged.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct. While the Board carefully considered your allegations of error with your NJPs and administrative separation processing, the Board determined the evidence you presented was insufficient to change the results of your NJPs or your subsequent discharge. In making this finding, the Board considered that the ADB found that you had committed misconduct to support both bases for separation and your separation package received multiple levels of review. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation and were properly separated for misconduct with a GEN characterization of service.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, the totality of your service, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, your rehabilitation efforts, your post-service record of accomplishments, your service to your community, the character references you provided for review, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of your misconduct far outweighed all of

the mitigating factors combined. The Board found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your GEN 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. Moreover, the Board considered that you have not yet accepted accountability for your misconduct despite being found guilty after a comprehensive review of your record. Further, with respect to your contention that your commanding officer overrode the ADB's recommendation without explanation, the Board noted that your commanding officer provided a recommendation that was considered by the Chief of Naval Personnel and the Assistant Secretary of the Navy (Manpower and Reserve Affairs); who was the ultimate separation authority in your case. Your commanding officer noted in his recommendation that your orders violations and dereliction of duty were very serious offenses and that you did not appear to be entirely truthful during your sworn statement at the ADB when you indicated that command personnel routinely did not follow the Maintenance Requirement Cards when performing PMS. The Board agreed with your commanding officer's assessments and found that you already received a large measure of clemency when you were separated with a GEN characterization of service despite committing serious offenses that normally warrants an Other Than Honorable discharge. Finally, the Board believed that it would be unjust to characterize your service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of your discharge to Honorable to be warranted in the interests of justice.

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,

2/4/2026

