



**DEPARTMENT OF THE NAVY**

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 5567-25

Ref: Signature Date

[REDACTED]

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 2 December 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 Navy and began a period of active duty on 12 June 1989. On 27 February 1990, you received non-judicial punishment (NJP) for wrongfully sleeping in class. Additionally, you were issued an administrative remarks (Page 13) retention warning counseling concerning deficiencies in your performance and conduct. The Page 13 expressly advised you that any further violations of the Uniform Code of Military Justice (UCMJ) or misconduct of a discreditable nature with either the civilian or military authorities may be grounds for administrative separation processing for a discharge Under Other Than Honorable Conditions.

On 7 February 1990, you received your second NJP for failure to obey order or regulation by wrongfully bringing alcoholic beverages onboard a naval vessel. On 5 March 1991, you received your third NJP for failure to go at the time prescribed to your appointed place of duty. On 9 April 1991, you received your fourth NJP for failure to go at the time prescribed to your appointed place of duty. Furthermore, you were issued a Page 13 retention warning counseling concerning deficiencies in your performance and conduct. The Page 13 expressly advised you that any further deficiencies in your performance and/or conduct may result in disciplinary action

and in processing for administrative separation. On 15 April 1991, you completed the treatment phase of the alcohol and drug abuse rehabilitation program. On 30 March 1992, you received your fifth NJP for insubordinate conduct.

Consequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to pattern of misconduct. You were informed of the basis for this recommendation and that the least favorable characterization of service you may receive is Under Other Than Honorable (OTH) conditions. You elected your right to consult with counsel and present your case to an administrative discharge board (ADB). On 17 June 1992, the ADB convened and found the preponderance of the evidence supported a finding that you committed misconduct and recommended your administrative discharge from the Navy with a for discharge from the Navy with a General (Under Honorable Conditions) (GEN) characterization of service. The commanding officer disagreed with the ADB recommendation and recommended your administrative discharge from the Navy with an OTH characterization of service. Ultimately, the separation authority approved the ADB recommendation and you were so discharged on 18 August 1992.

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 upgrade your discharge character of service and contention that the upgrade of your character of service was already in effect and you would like to have the paperwork reflecting the upgrade. 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 your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your administrative counselings and five NJPs outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your misconduct 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. 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. The Board determined the record reflected that your misconduct was intentional and willful, and demonstrated you were unfit for further service. Furthermore, the Board also determined that the evidence of record did not demonstrate that you were not responsible for your conduct or that you should otherwise not be held accountable for your actions. In the end, the Board concluded that you were fortunate to receive a GEN characterization of service based on your continuous record of misconduct. Finally, the Board noted you did not provide any evidence other than your statement, to substantiate your contention that you received a discharge upgrade.

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 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,

12/15/2025

[REDACTED]  
Executive Director

Signed by: [REDACTED]