



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

█
Docket No. 5595-25
Ref: Signature Date

█
█
█

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 22 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case on the evidence of record.

You enlisted in the Navy Reserve and commenced a period of active duty on 1 July 1986. After completing your initial active duty training period, you were released from active duty and transferred to your Reserve unit on 6 October 1986. On 3 February 1992, due to your unsatisfactory drill participation, the Commander, Naval Reserve Readiness Command, Region Nineteen issued an order requiring you to complete twelve additional annual training days. The correspondence further stipulated that failure to report for the additional annual training would result in administrative separation proceedings due to unsatisfactory participation in Ready Reserve. On 24 February 1992 and 6 April 1992, the ship's secretary provided sworn affidavit's affirming that the original administrative separation notification by reason of unsatisfactory participation in the ready reserve was sent to you via certified mail. Since you did not respond

within the prescribed time frame, you waived your procedural right to present your case to an administrative discharge board. Accordingly, your commanding officer forwarded your administrative discharge package to the separation authority with a recommendation for discharge under Other Than Honorable (OTH) characterization of service adding,

“He has been completely neglectful in his requirements to be an active member of this command and has not made any attempt to contact █ during these proceedings. [Petitioner] has missed every scheduled drill since August 1991. No attempts have been made by member to notify this command of his situation. All attempts made by this command have been unsuccessful. [Petitioner] displays no potential for useful service under conditions of full mobilization, I request authority to separate [Petitioner] and that the type of separation be Under Other Than Honorable Conditions.”

The separation authority approved the recommendation and you were so discharged on 12 August 1992.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 and your contentions that: (1) an OTH discharge is too severe for the early separation you received, (2) your discharge was not the result of disciplinary action, and (3) you regret the circumstances surrounding your discharge and wish to have your case evaluated for an upgrade. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and your personal statement.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your unauthorized absences from your drills, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded it showed a complete disregard for military authority and regulations. 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. Further, contrary to your implied contention, the Board found evidence that the basis for your administrative separation was the result of misconduct, i.e. your failure to satisfactorily participate in required Reserve drills. The fact you were never subject to disciplinary action due to your refusal respond or report to your command was not a persuasive argument to the Board. Therefore, the Board concluded that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service.

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.

You are entitled to have the Board reconsider its decision upon the 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 is attached 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,

1/13/2026

