



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

[REDACTED]
Docket No. 5714-25
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 16 September 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 U.S. Navy Reserve and began a period of active duty on 20 September 1993. After a period of continuous Honorable service, you immediately reenlisted and commenced another period of active duty on 12 September 1997. On 26 August 1999, charges were preferred to court-martial for violations of the UCMJ; specifically, two specifications of Article 92 for dereliction of duty, and twelve specifications of Article 134 related to indecent assaults against multiple female Sailors. On 24 November 1999, an additional charge of Article 92 and 134 were preferred. On 18 January 2000, you submitted a request for separation in lieu of trial (SILT) after consultation with your military counsel. In your request you admitted that you have been derelict in your duties, engaged in inappropriate sexual behavior with your subordinate enlisted crew members, and used unprofessional and inappropriate sexual language with your subordinates. Your defense counsel also submitted a statement to the Convening Authority (CA) stating that your actions warranted punishment and that an Other Than Honorable (OTH) discharge would send "an unequivocal message to [you] and to the fleet that [your] behavior was unacceptable."

On 27 April 2000, the convening authority reviewed your SILT request and approved it subject to your cooperation with government counsel in the trial of the other accused. You were discharged in accordance with your request with an OTH characterization of service on 14 July 2000.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 17 June 2004, after determining your discharge was proper as issued. However, they noted an administrative error, and recommended correction to your DD Form 214, to annotate your continuous Honorable service from 20 September 1993 until 11 September 1997¹.

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 for an upgrade in your characterization of service and contentions that you were still a young man learning how to navigate responsibility and the complexities of leadership, you have always denied the allegations made against you and the other accused, you feel from the beginning the situation felt retaliatory in nature since you had to inform one of your accusers that her husband was not permitted onboard the [REDACTED] because he was discharged for drug related misconduct, and delivering that message understandably caused tension and disappointment. You further contend that not long after that interaction, the accuser made allegations against you and this raised concerns about the timing and motivation behind the claims. You contend that you fully cooperated with the investigation, consistently denied any accusations of inappropriate physical behavior including any form of unwanted contact such as exposing yourself, touching, hugging, or grabbing, and you agreed to a polygraph. You also argue that there was a contradiction in testimony of one of the victims but, in the end, you accepted the OTH with the understanding that you could appeal the decision at a later date using the other accused's court-martial outcome in support of your case. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the evidence you provided in support of it.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your SILT request and discharge, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct 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, the Board noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was substantial and determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial; thereby sparing you the stigma of a court-martial conviction and possible punitive discharge. Furthermore, the Board also noted that you submitted no evidence, other than your statement, to substantiate your contentions of innocence. Regardless, the Board determined that you and your legal counsel appropriately weighed the evidence in your case and, based on a legal analysis of likelihood of success of your

¹ The Board did not find a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) in your record reflecting the change ordered by the NDRB. The Board recommends you contact Navy Personnel Command to request issuance of the DD Form 215.

argument, concluded that it was in your best interest to submit a SILT request in lieu of contesting your guilt at trial. In making the SILT request, you and your legal counsel admitted that you committed the charged misconduct and that the severity of your conduct supported an OTH characterization of service. Thus, the Board was not persuaded by your arguments of innocence and concluded you committed the misconduct which formed the basis for your SILT discharge and OTH characterization of service. Therefore, after the application of the standards and principles contained in the Wilkie Memo, the Board found that your service fell well below the minimum standards for a General (Under Honorable Conditions) or Honorable characterization of service.

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. While the Board carefully considered the evidence you provided in mitigation, 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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,

9/29/2025

