



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

█
Docket No. 5981-25
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 12 January 2026. 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 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 6 June 1984. After a period of continuous Honorable service, you immediately reenlisted and commenced a second period of active duty on 3 June 1987. On 5 October 1989, you were convicted by a Summary Court-Martial (SCM) of three specifications of unauthorized absence (UA), breaking restriction, and wrongful possession of a military identification card with intent to deceive. You were sentenced to forfeit \$600.00 pay per month for one month, to be reduced in rank to E-3, and restriction for 30 days. On 16 November 1989, you requested a psychiatric referral due to reported difficulties interacting with members of your department. You were evaluated and diagnosed with interpersonal difficulties, job dissatisfaction, and mild anxiety. On 15 March 1990, you received nonjudicial punishment (NJP) for failing to obey a lawful order and a one-day period of UA. Consequently, you were notified that you were being recommended for administrative discharge from the Navy for commission of a serious offense (COSO); at which time you waived your procedural rights to consult with counsel and to present your case to an administrative discharge board. Ultimately, the separation authority directed your discharge with an Other Than Honorable (OTH) characterization of service and you were so discharged on 6 June 1990.

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 remove the OTH discharge characterization from your service record for the period of 3 June 1987 to 6 June 1990 and your contentions that you were informed that you were being discharged for misconduct when you appeared before the commanding officer at Mast, you were never informed of the specific misconduct forming the basis for the discharge, and you were a 24-year-old Petty Officer Third Class and did not believe it was appropriate to question authority. 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 additional documentation.

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 SCM and NJP, 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. The Board observed that you were given an opportunity to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH 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. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. However, the Board noted that you acknowledged the basis for your administrative separation processing on 22 March 1990. 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 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,

1/20/2026

