



(MAC), fleeing from apprehension by a MAC, and drunk and disorderly conduct aboard ship. On 20 August 2002, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and/or conduct, specifically for an alcohol-related incident on 5 July 2002. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

3. On 25 September 2002, you received NJP for failure to obey a lawful order and false official statement with intent to deceive.

4. On 28 March 2003, you commenced a fifty-day period of unauthorized absence (UA) that ended in your apprehension. On 27 May 2003, you commenced a forty-four-day period of UA that ended with your voluntary return. On 4 August 2003, you were found guilty at Summary Court Martial (SCM) of the incidents of UA.

5. On 12 August 2003, 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 waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board. The separation authority subsequently directed your discharge with an OTH characterization of service and you were so discharged on 13 September 2003.

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 contention that you did not commit any misconduct to justify an OTH discharge. However, you provided no evidence, other than your statement, to substantiate your contention and, as discussed previously, your record documents your extensive history of misconduct. 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 an OTH 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, your contentions, the totality of your service, your need for veterans' benefits, 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, 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. In particular, the Board considered the likely negative impact your repeated misconduct and extended UA had on the good order and discipline of your command. 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 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.

Moreover, the Board was not persuaded by your argument that you deserve relief since your discharge characterization is stigmatizing. Characterizations of service is the formal way the Navy summarizes the quality of a service member's conduct and performance during a period of enlistment. It serves several important purposes such as eligibility for benefits, providing an official assessment of a member's conduct, and providing civilian entities a guide in evaluating potential employment of former service members. While the Board acknowledges that a less than Honorable characterization of service may be stigmatizing, they concluded this is simply a natural consequence of a service member failing to meet the standards required for an Honorable characterization of service. In their view, the characterization of service is not an action taken to penalize you but rather an administrative summary and an accurate reflection of your service record. Ultimately, the Board concluded no injustice exists after weighing the Department of the Navy's interest in protecting the credibility of its personnel system, along with maintaining fairness to other service members who completed their service without misconduct, against the stigma you continue to endure due to your less than honorable characterization of service. In their opinion, granting you relief would create an unwarranted and inaccurate assessment of your period of service that could potentially undermine the integrity of the Department of the Navy's personnel system.

Finally, the Board believed that it would be unjust to characterize your less than honorable 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 General (Under Honorable Conditions) or 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,

2/21/2026

