



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

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Docket No. 6318-25
Ref: Signature Date

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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 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, 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 2 May 1983. Prior to your enlistment, you received a waiver for preservice use of a controlled substance-marijuana and admitted to a preservice arrests and charges for driving without insurance, expired license, driving intoxicated, criminal possession, driving while impaired, and criminal trespass. On 24 June 1984, you were evaluated by a medical officer due to emotional outbursts related to your poor relationship with your Leading Petty Officer and dislike of taking orders from junior officers. You were found to be fit for duty with no evident psychopathology.

On 14 November 1984, you received nonjudicial punishment (NJP) for a period of unauthorized absence (UA) and disobeying a lawful order. On 24 November 1984, you were counseled concerning your previous UCMJ violations and advised that failure to take corrective action could result in administrative separation. Between 2 February 1985 and 28 February 1985, you received NJP on two occasions for two instances of disrespect towards a senior petty officer, dereliction of duty, and making a false official statement. Consequently, you were notified of the

initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct; at which point, you decided to waive your procedural rights. Your commanding officer recommended that you be discharged with an Other Than Honorable (OTH) discharge characterization of service. On 30 April 1985, you completed a pre-separation Report of Medical History and reported that you were "in excellent health." Further, no issues were reported on your Record of Occupational Exposure to Ionizing Radiation. Ultimately, the separation authority approved the CO's recommendation and you were so discharged on 22 May 1985.

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 a discharge upgrade and contentions that: (a) you complained about been poisoned with radiation to your command and, in a matter of 24 hours, you were discharged, (b) you were forced to work in the galley, where both freezers and refrigerators bordered the nuclear reactor, (c) your radiation levels were twice as high as everyone else and you were forced to stay in port for three months, (d) your commanding officer denied your request to go to school, (e) you met with four officers and explained to them your radiation expose concerns; shortly after, you were sent to sweep the parking lot, (f) you have not been in trouble with the law and remained free of drugs and alcohol, (g) you worked at different management positions and always led your employees with honor and integrity, and (h) you are suffering from numerous medical issues, to include cancer, diabetes, heart disease, bypass surgery, and right foot amputation. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and DD Form 214.

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 NJPs and multiple counselings, 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. 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.

Finally, the Board noted there was no evidence in your record to support your contentions of radiation exposure while in service or your allegations of unfair treatment. The Board observed that you provided no evidence, other than your statement, to substantiate your contentions. In addition, as discussed previously, your Record of Occupational Exposure to Ionizing Radiation does not support your claims of radiation poisoning. Rather, your medical record indicates you reported your aversion to taking orders from a particular supervisor and personnel you felt lacked experience to give orders. The Board determined this conflict, and not your report of a radiation leak, led to your multiple incidents of disrespect and subsequent administrative separation.

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 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 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,

1/6/2026

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Executive Director

Signed by: █