



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 2220

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Docket No. 6349-25  
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 3 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 21 July 1993. On 24 June 1994, you began a period of unauthorized absence (UA) which lasted 28 days and resulted in your conviction by summary court martial (SCM) on 4 August 1994. You were sentenced to reduction in rank and forfeiture of pay. On 28 February 1995, you began a second period of UA, which lasted 48 days and during which you missed ship movement, that ended with your apprehension by civil authorities. On 24 April 1995, you were convicted by SCM for the period of UA and missing ship's movement. You were sentenced to a period of confinement. Consequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense. After you decided to waive your procedural rights, your commanding officer (CO) recommended that you be discharged with an Other Than Honorable (OTH) discharge characterization. The separation authority approved the CO's recommendation and you were so discharged on 26 May 1995.

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 contention that: (a) upon

receiving your first assignment, you were informed that the ship was scheduled to decommission within a year, (b) you were advised that the Navy was downsizing and you were given the option to separate, which you chose to, (c) you were unexpectedly recalled to active duty and informed that your discharge had not been finalized, (d) you were reassigned to the West Coast and faced significant financial hardship, (e) you were unable to cover your basic expenses on an E-1 salary, (f) you were advised that the only way to exit the Navy under your circumstances was by going UA, (g) you were 19 years of age and with no mentorship or support system, (h) you have carried the weight of your mistake since you were discharged, and (i) you would like an upgrade to move forward with dignity and have the ability to better support yourself. 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 SCMs, 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 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. Further, the Board noted you provided no evidence, other your statement, to substantiates your contentions. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

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

