



[REDACTED]
[REDACTED]
[REDACTED]

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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

1. You enlisted in the Navy and commenced active duty on 4 January 1956. As part of your enlistment processing, you disclosed pre-service offenses including three robbery charges and one battery charge. You joined your ship for duty on 19 November 1956.

¹ The Board noted you checked the “PTSD” box on your application but later requested to withdraw your contention via email correspondence on 29 June 2025.

2. On 29 June 1957, you commenced a twenty-five-day period of unauthorized absence (UA), during which you were arrested by civilian authorities for grand theft auto. You pleaded guilty at a preliminary hearing on 19 July 1957, your case was continued for probation and sentencing, and you were released to shore patrol on 23 July 1957.

3. On 29 July 1957, you received non-judicial punishment (NJP) for failure to obey a lawful order, insubordination to a petty officer, and disrespect to a petty officer.

4. On 9 August 1957, you commenced a period of UA when you returned to civilian custody awaiting trial. During this period, you missed ship's movement.

5. On 18 September 1957, you pleaded guilty to grand theft, were sentenced to probation for five years, and released from civilian custody. You continued with another one hundred twenty-one days of UA when you did not return to your command or report to the nearest military authority until 7 January 1958, when you surrendered onboard the US Navy Receiving Station, █

6. On 10 January 1958, your command documented your time in civilian custody as follows: "Unauthorized absence while confined by civil authorities from 9 August 1957 to 18 September 1957 to be charged against pay account. No disciplinary action to be taken for this period."

7. On 23 January 1958, you pleaded guilty at Special Court Martial (SPCM) to UA from 18 September 1957 to 7 January 1958. You were sentenced to reduction in rank to E-1, forfeitures, confinement at hard labor, and a Bad Conduct Discharge (BCD). Subsequently, the findings and sentence in your SPCM were affirmed and you were issued a BCD on 2 May 1958.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that:

1. Your reason for going UA was motivated by intimidation, fear, racism, and unfair treatment and targeting because of the color of your skin.

2. Your UA period was for two weeks, your sister persuaded you to go UA instead of taking your own life, and that you were administratively separated without benefit of legal counsel.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately discharged with a BCD based on your SPCM conviction and sentence. While the Board carefully considered your contention that you only pleaded guilty because your mother told you to do so, the Board noted you admitted to committing the period of UA and did not contest your other civilian conviction. Additionally, the Board found your current contentions inconsistent with your in-service statements regarding your UA, where you contended that you thought you were confined to your home and could not leave. The Board also considered the discrepancy between your current contention of

administrative separation without legal counsel and your service record, which shows you were represented by legal counsel at SPCM. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contention. Therefore, the Board determined the presumption of regularity applies to your BCD and no error exists with your record.

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 desire for an upgrade to your characterization of service, your contentions regarding the unfair treatment you received and your resulting suicidal ideations, 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, your rehabilitation efforts, your post-service record of accomplishments, the harshness of your punishment, your advanced age, the character reference you provided for review, 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 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 BCD. The Board was not persuaded by your contentions and noted you entered the Navy with a history of committing serious misconduct. 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 also considered the service-discrediting nature of your civilian offense. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. 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. 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,

3/23/2026

