



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

█  
Docket No. 6463-25  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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.

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 19 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, 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).

After a period of continuous Honorable service, you were discharged from the Navy on 17 May 2002. On 18 May 2002, you took your oath of office and commissioned as an Ensign in the U.S. Navy upon your graduation from █ (█  
█). On 18 May 2004, you promoted to the rank/grade of Lieutenant Junior Grade (O-2).

On 28 June 2004, your commanding officer (CO) notified you of his intention to recommend your separation by reason of substandard performance of duty due to being a Family Advocacy Program (FAP) Rehabilitation failure. The notification letter stated in pertinent part:

[Commander, Naval Station Mayport letter dtd 18 Jun 04] reported the allegations of your emotional and physical abuse of your wife were substantiated. Additionally, as reported in [█] letter dtd 18 Jun 04], you had completed directed rehabilitation for a previous substantiated case of spouse abuse, thus making you a rehabilitation failure...As a result of that rehabilitation failure, [OPNAVINST 1752.2A (Family Advocacy Program)] directs me to process you for administrative separation in accordance with [SECNAVINST 1920.6B].

On 29 July 2004, you submitted a written rebuttal statement to your CO's notification letter.

The Show Cause Authority ("SCA") determined there was sufficient evidence of record to initiate administrative action to separate you but the SCA gave you an option to tender a qualified resignation request and receive a General (Under Honorable Conditions) ("GEN") discharge characterization. You opted to tender your resignation and, in your resignation request dated 7 October 2004, you acknowledged that a GEN characterization was "not the highest qualitative type of separation provided" for naval officers.

On 8 October 2004, your CO forwarded your resignation request up the chain of command. In his endorsement, your CO stated in pertinent part:

█'s reasons for submitting his resignation does not accurately [█] represent all the facts of his case. Specifically, █ states he was designated as the victim in his first FAP case. A review of documents related to this matter indicates that █ was involved in at least two prior FAP cases. In the first case,...[SNM] was determined to be the offender. █ claims that the determination that he was the offender in the first case was changed to victim...However,...it is unclear whether this was a reclassification of the first event or was an additional FAP case. Enclosure (3) indicates that the events described were a second allegation of spouse abuse involving [SNM] and his first wife. The command believes these to be separate incidents. In the last case,...█ was the victim. █ fails to understand is that, regardless of determination of victim or offender, he was offered, and completed, rehabilitation through the Navy's Alternatives to Violence Group. Once the final FAP case came to the command's attention, the Commanding Officer, █, personally recommended retention of legal counsel by [SNM] prior to the initial FAP Case Officer interview. █ voluntarily chose to provide statements to the FAP Case Officer without legal representation. In these statements, [SNM] admits to many of the actions of which he was accused. [SNM] was also issued a Military Protective Order...for both his and his spouse's protection. [SNM] violated this protective order when he engaged in e-mail communications...with his wife. █ makes sweeping statements against the Navy's Family Advocacy Program. However, his own behavior shows that he, in fact, was the offender and the determination of substantiated spousal abuse is accurate.

[SNM]'s professional performance has been on par with that of an average Lieutenant Junior Grade. He can perform very well and has grown in his tactical

ability. These periods of good performance are countered with periods of lower performance where he struggles to complete assigned tasks. However, the conduct of his personal affairs outside of the workplace has been unsatisfactory. His involvement with the ██████████ due to sustained spousal abuse while he was enlisted triggered rehabilitation and counseling. Now, with his second wife, ██████████ is once again involved in an incident of sustained spousal abuse and violated my ██████████. Despite the evidence in his latest ██████████ case, including his own statements, ██████████ has consistently refused to accept responsibility for his conduct. ██████████'s behavior not only reflects poorly on him, but casts a negative light on all officers and were not in keeping with the Navy's core values...I recommend that, along with acceptance of [SNM]'s qualified resignation, that he be barred from service in all branches of the United States Armed Forces in either and active or reserve roll.”

On 23 March 2005, the Chief of Naval Personnel (CNP) recommended to the Secretary of the Navy (ASN(M&RA)) that you should be separated with a GEN discharge characterization. CNP highlighted that, on 18 June 2004, the FAP substantiated allegations of physical and emotional spousal abuse, and also noted that your CO's 8 October 2004 forwarding endorsement reported that you were involved in two prior FAP cases with your first wife.

On 1 April 2005, ASN(M&RA) approved CNP's recommendation. Ultimately, on 31 May 2005, you were separated from the Navy for unacceptable conduct at the rank/grade of O-2 with a GEN discharge characterization.

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 change to your reason for separation<sup>1</sup>. You contend that: (a) you accept responsibility for your actions, (b) you broke an MPO by sending an email to your wife when you were desperately trying to save your marriage, (c) you did not physically or emotionally abuse your first or second wife, and (d) you believe you otherwise served honorably, and your post-service conduct demonstrates your true character. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board determined that the record clearly reflected your misconduct was intentional and willful and indicated you were unfit for further service. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions.

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<sup>1</sup> You also requested a change to your reentry code. However, this aspect of your application was not considered since commissioned officer do not receive a reentry code upon their discharge from the Navy.

The Board determined that there was no convincing and/or credible evidence in the record regarding any command misconduct, improper motives, or abuses of discretion in the investigating, handling and processing of your FAP failure, resignation request, and your subsequent administrative separation. The Board determined that your separation for unacceptable conduct was legally and factually sufficient.

The Board unequivocally determined that your discharge from the Navy with a GEN characterization was warranted. The Board determined that your substantiated domestic violence-related behavior clearly demonstrated you had minimal potential to contribute positively to the Navy as an officer responsible for the care and well-being of enlisted Sailors. The Board determined that characterization under GEN or under Other Than Honorable conditions (OTH) is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a naval officer. Therefore, after the application of the standards and principles contained in the Wilkie Memo, the Board found that your reason for separation and assigned characterization of service remain appropriate.

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 in discipline clearly merited your discharge. While the Board carefully considered the evidence you submitted in mitigation, 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. 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,

1/9/2026

