



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED]
Docket No. 6744-25

Ref: Signature Date

[REDACTED]

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 father's 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 18 November 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).

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.

You entered active duty with the Navy on 29 August 1979. On 28 February 1980, you received non-judicial punishment (NJP) for disobeying a lawful order from a commissioned officer, disobeying a lawful order from a petty officer, wrongfully engaging in a fist fight, and two specifications of assault. On 19 August 1980, you received NJP for disrespectful language, wrongful use of provoking words and gestures, assault, and wrongfully communicating a threat. On 11 October 1980, a summary court-martial (SCM) convicted you of disobeying a lawful order, disrespectful language toward a superior petty officer, and assault on a superior chief petty officer. On 31 August 1981, a special court-martial (SPCM) convicted you of violating a lawful general regulation, assault, and wrongfully using threatening and insulting language toward a sentinel in the execution of his duty. On 29 October 1981, another SPCM convicted you of

being in an unauthorized absence (UA) status for seven days, disrespect toward a superior petty officer, dereliction of duty, assault, and breaking restriction. As a result, you were sentenced to confinement for 38 days, forfeiture of pay, and a Bad Conduct Discharge (BCD). After completion of all levels of review, you were so discharged on 4 April 1983.

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 to upgrade your discharge and contentions that you deployed and served honorably, you were honorably discharged from the National Guard prior to your enlistment in the Navy, you were young, you requested to be discharged after not understanding the effects it would on your life, and your misconduct was a one-time incident that occurred over 40 years ago. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional documentation.

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, SCM, and SPCMs, outweighed the mitigating evidence in your case. In making this finding, the Board considered the seriousness of your misconduct and determined that it 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 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, a service member's service is generally characterized at the time of discharge based on performance and conduct throughout their entire enlistment. Your conduct or performance of duty reflected two NJPs, a SCM, and two SPCMs, which provided the underlying basis for your discharge characterization. Additionally, the Board noted that there is no provision of federal law or in Navy/Marine Corps regulations that allows a discharge to be automatically upgraded due solely to the passage of time or after a specified number of months or years. Further, contrary to your contention that this was a one-time incident, as described above, you engaged in a pattern of misconduct that spanned over two years.

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 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,

12/4/2025

