



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED]
Docket No. 6802-25
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]
Dear [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.

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 25 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).

You entered active duty in the Navy on 30 October 1997. On 11 October 1998, you commenced on a period of unauthorized absence (UA) that lasted one hour. On 14 February 1999, you made a written statement admitting to your involvement in homosexual activities with another Sailor. On 20 February 1999, you commenced on a period of UA that lasted one hour and 15 minutes. Subsequently, you were notified of pending administrative separation action by reason of homosexual conduct/acts. You elected to consult with legal counsel and requested an administrative discharge board (ADB). The ADB found that you committed misconduct due to homosexual conduct/acts and recommended you be discharged with a General (Under Honorable Conditions) (GEN) characterization of service. In the meantime, you received NJP for dereliction in the performance of duty and wrongful use of a control substance. You later commenced on a period of UA that lasted 15 minutes. On 17 August 1999, you received NJP for being UA for one day. On 31 August 1999, you received an additional NJP for being UA for five hours and five minutes.

Consequently, you were re-notified of pending administrative separation action by reason of misconduct due to Homosexual conduct, commission of a serious offense, and drug abuse. Ultimately, the SA approved your separation for misconduct with a GEN and you were so discharged on 23 September 1999.

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, change your reenlistment code, and be reimbursed financially for two years backpay. You contended you were discharged for no reason, you were discharged after buying a vehicle against your supervisor's direction, and you would like to be reimbursed due to being discharged two prior to the end of your enlistment. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 and personal statement 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, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved a drug related offense. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your GEN 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 determined you already received a large measure of clemency when the Navy assigned you a GEN characterization of service despite your extensive record of misconduct that would normally merit an Other Than Honorable characterization. Finally, the Board noted that there is no evidence in your record, and you submitted none, to substantiate your contentions.

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 discharge¹. 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 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

¹ Based on this finding, the Board found no basis for granting your request for constructive credit of two years, associated back pay, or your reentry code.

correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

12/5/2025

