



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

[REDACTED]  
Docket No. 6836-25  
Ref: Signature Date

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

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 you did not file your application in a timely manner, the Board waived the statute of limitation in the interest of justice. A three-member panel of the Board, sitting in executive session, considered your application on 15 August 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 the understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on evidence of record.

You enlisted in the Navy and began a period of active duty on 9 October 2007. On 24 October 2007, you were found guilty of violating Article 92 of the Uniform Code of Military Justice (UCMJ) due to failure to obey a lawful order to stand at attention by wrongfully bobbing your head, biting your lip, and shaking your arms and hands. Consequently, you were processed for administrative separation via notification procedures for the reason of misconduct due to commission of a serious offense and discharged with an uncharacterized entry level separation and an RE-4 reentry code on 15 November 2006.

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 change your record to permit you to serve in the armed forces. You contend that you regret your separation, attribute it to having learned that

your girlfriend was pregnant, and thought the right thing was to be by her side. The Board interpreted these contentions to mean that you had intentionally behaved in a manner to procure an entry-level discharge from your contracted period of enlistment. You later discovered that the child was not yours and, having worked unfulfilled as a licensed barber in the years since your discharge, still believe that serving in the military is your passion. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of what you stated on your DD Form 149 without any additional documentation.

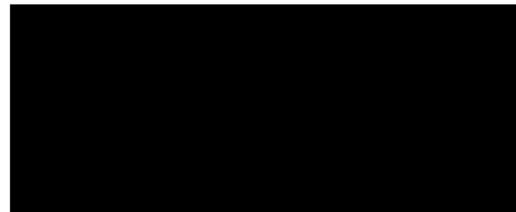
After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. The Board gave significant weight to the fact that you were immediately processed for separation rather than offered rehabilitation; which the Board concluded was indicative of your unwillingness to obey lawful orders to conduct yourself with appropriate comportment. Further, the Board considered that service regulations direct the assignment of an uncharacterized entry level separation to service members processed for separation within their first 180 days of active duty. While there are exceptions in cases involving misconduct or extraordinary performance, the Board determined neither applied in your case<sup>1</sup>.

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<sup>2</sup>. 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 is attached 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,

9/4/2025



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<sup>1</sup> The Board noted that you were processed for separation pursuant to a NJP and commission of a serious offense but determined your misconduct, while indicative of your unsuitability for further military service, was not of the nature to merit an Other Than Honorable characterization of service. Therefore, the Board determined your assigned uncharacterized entry level separation was appropriate.

<sup>2</sup> In making this finding, the Board found that your assigned reentry code remains appropriate.