



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

[REDACTED]
Docket No. 6862-25
3580-24
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

Dear Petitioner:

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 23 March 2026. 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 your personal appearance was not necessary and considered your case based on evidence of record.

You previously applied to the Board primarily contending that you were wrongfully convicted of fraternization based upon factually and legally insufficient evidence and also contending that your discharge under honorable conditions was unduly harsh and unjust in light of your overall record of service. You also argued that your discharge was disproportionately severe in comparison to the outcome of similar officer cases. The Board recommended you receive some relief as a matter of injustice. However, on 23 April 2025, the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN M&RA) denied relief, finding that the Board's recommendation to upgrade your characterization of service to Honorable so soon after your discharge for misconduct would clearly undermine the regulatory standard – specifically, that an Honorable characterization of service is not authorized for an officer separated due to

misconduct unless the officer's record is otherwise so meritorious that, under the particular circumstances, any other characterization would be clearly inappropriate. In reviewing your record, the ASN M&RA found insufficient evidence to satisfy that criteria. The summary of your service, and the misconduct which resulted in your conviction by General Court-Martial (GCM) and your administrative separation, remains substantially unchanged from that discussed in the Board's previous decision.

In your application for reconsideration to this Board, you express a desire for your discharge character of service be upgraded and contend that numerous improprieties exist with your GCM and BOI proceedings. In support of your application, you provided a statement from a senior officer with whom you had deployed addressing the issues which prompted the initial investigation, a memorandum from the investigating officer, witness statements collected during the investigation, your request mast, emails pertaining to the disposition of the allegations against you, and complaints you've made to the bar associations of the judge advocates who represented the government at your GCM and BOI proceedings.

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

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct. With respect to your contention that you were innocent of the charged offenses, the Board did not concur. Rather, the Board observed that you were afforded all rights and protections guaranteed at court-martial proceedings, and you were duly convicted of conduct unbecoming an officer based upon the nature of your unduly familiar social media interactions with junior enlisted females. The Board has no authority to overturn a court-martial conviction; additionally, the Board noted that such convictions are binding upon the members of a BOI with respect to substantiating evidence of the misconduct which forms the basis for the proposed administrative separation. Therefore, the Board found 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, the totality of your service to include service highlights, the non-violent nature of your misconduct, the negative effect your discharge has had on your life, your rehabilitation efforts, the harshness of your punishment, the evidence you provided in support of your application, 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 concluded that your disregard for good order and discipline clearly merited your General (Under Honorable Conditions) discharge characterization of service. 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. Further, acknowledging the concerns raised by ASN M&RA in the previous denial of your recent request, the Board concurred that your record was not so meritorious that a characterization of service under honorable conditions, rather than fully Honorable, was inappropriate. The Board further agreed with ASN (M&RA)'s rationale that upgrading your

discharge characterization of service so soon after you were discharged undermines the existing regulatory process in processing officer misconduct cases. Thus, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice.

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,

4/10/2026

