



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

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Docket No. 6949-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 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 12 January 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, 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 17 September 1990. On 23 July 1991, you received nonjudicial punishment (NJP) for accessory after the fact (destruction of a windshield), making a false official statement to investigating officers, and wrongfully and unlawfully subscribe under lawful oath a false statement. You were counseled concerning your misconduct and advised that failure to take corrective action could result in administrative separation. On 5 September 1991, Naval Investigative Service initiated an investigation after receiving information that you were involved in a street gang related shooting incident. You were investigated for indiscriminating brandishing, pointing, and firing a .357 magnum revolver while attending a Labor Day picnic. On 25 November 1991, you were charged by civil authorities with

assault with a deadly weapon. On 9 January 1992, you were placed in civil confinement and began a period of unauthorized absence (UA) which lasted 180 days.

On 6 February 1992, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense. Subsequently, you decided to request a case hearing by an Administrative Discharge Board (ADB). On 29 March 1992, the ADB voted (3) to (0) that you committed misconduct due to commission of a serious offense and recommended you be discharged with an Other Than Honorable (OTH) characterization of service. On 7 April 1992, you were convicted by civil authorities for assault with a deadly weapon. You were sentenced to one year of civil confinement and probation for a period of five years. Ultimately, the separation approved the ADB recommendation and you were so discharged on 6 July 1992.

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 contention that: (a) you want to be recognized and buried as a veteran of war, (b) you desire to have all the benefits applicable for your service, (c) you served onboard the █ during █, and (d) due to new laws, you are now eligible to receive an upgrade. You also checked the "PTSD" and "Other Mental Health" boxes on your application but chose not to respond to the Board's request for supporting evidence of your claims. 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 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 by your NJP and civil conviction, 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 observed you were given an opportunity to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH 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 considered the likely discrediting effect your civilian arrest and conviction had on the Navy. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

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 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 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,

1/16/2026

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Executive Director

Signed by: █