



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

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Docket No. 7322-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 9 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 following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the Navy and commenced active duty on 24 June 2002.
2. On 19 April 2004, you received non-judicial punishment (NJP) for misbehavior of a sentinel or lookout. As part of your NJP, you were awarded a reduction in rate (RIR) but this portion of your punishment was suspended for six months.
3. On 9 August 2004, you received NJP for misbehavior of a sentinel or lookout. On that same day, your previous suspended RIR was vacated due to your continued misconduct.
4. On 14 April 2005, you received NJP for assault and failure to obey an order or regulation.
5. Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of

regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information you provided, the documents in your official military personnel file, and the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were separated on 20 May 2005 with an Other Than Honorable characterization of service. Unfortunately, the information on blocks 23 through 29 on your DD Form 214 are blank, so the Board was unable to determine your narrative reason for separation, reentry code, and separation code.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that you sustained injuries while on active duty.

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. While the Board carefully considered your contention of mitigation, the Board noted you did not deny committing the misconduct that formed the basis of your administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your assigned characterization of service.

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 contention of injury, the totality of your service, your relative youth and immaturity at the time of your misconduct, 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 found that your conduct 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 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. 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. In making this finding, the Board considered that you provided no evidence in support of your application.

Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.¹

¹ As previously mentioned, blocks 23 through 29 on your DD Form 214 are blank. This includes documentation of your OTH characterization of service. Board policy does not allow for a correction of a record that will negatively affect a service member. Therefore, the Board declined to make administrative corrections to your DD Form 214 that would

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,

3/26/2026



document the adverse nature of your separation from the Navy. Should you desire such a change, you must reapply to the Board and provide evidence of how inserting the adverse information in your record would correct and injustice.