



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

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Docket No. 7562-25
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 27 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, 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 entered active duty with the Navy on 12 August 1992.
2. On 11 January 1994, you received non-judicial punishment (NJP) for contempt and disrespect toward two superior petty officers and larceny of property from the Navy Exchange.
3. Consequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. You elected to consult with legal counsel and requested an administrative discharge board (ADB). The ADB found that you committed misconduct due to commission of a serious offense and recommended you be discharged with an Other Than Honorable (OTH) discharge. The separation authority concurred with the ADB and you were so discharged on 1 April 1994.

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 for mitigation, the Board noted you did not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation and were properly separated for misconduct with an OTH 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, the totality of your service, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, 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, found that your conduct showed a complete disregard for military authority and regulations. The Board agreed with your commanding officer's assessment that your behavior was "incompatible with the maintenance of high standards of performance, military discipline and readiness, and [was] destructive of Navy efforts to instill pride and promote professionalism.

The Board noted your repeated contention that you continue to be punished with your discharge characterization of service. The Board was not persuaded by this argument. Characterizations of service is the formal way the Navy summarizes the quality of a service member's conduct and performance during a period of enlistment. It serves several important purposes such as eligibility for benefits, providing an official assessment of a member's conduct, and providing civilian entities a guide in evaluating potential employment of former service members. One purpose it does not serve is punishment. While the Board acknowledges that a less than Honorable characterization of service may have negative consequences, they concluded this is simply a natural consequence of a service member failing to meet the standards required for an Honorable characterization of service. In their view, the characterization of service is not an action taken to penalize you but rather an administrative summary and an accurate reflection of your service record. Ultimately, the Board concluded no injustice exists after weighing the Navy's interest in protecting the credibility of its personnel system, along with maintaining fairness to other service members who completed their service without misconduct, against the negative effects you continue to endure due to your less than honorable characterization of service. The Board believed that it would be unjust to characterize your less than honorable service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. In their opinion, it would also create an unwarranted and inaccurate assessment of your period of service that could potentially undermine the integrity of the Navy's personnel system. Therefore, the Board did not find an upgrade of your discharge to General (Under Honorable Conditions) or Honorable to be 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 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,

2/17/2026

