



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

██████████
Docket No. 7696-25
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 13 April 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 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:

- You enlisted in the Navy Reserve and commenced active duty in June or July 1991.¹
- After completing Mess Management Accession "A" School, you reported to ██████████ (██████████) on 27 December 1991.
- On 16 June 1992, you extended your enlistment for a period of 36 months, effective 1 July 1993.
- On 28 May 1993, your Enlisted Performance Record reflects a civilian conviction occurred.²

¹ The date of your active duty start date is illegible in your record.

² No additional information regarding this civilian conviction is available in the record.

- On 30 July 1993, you reported to ██████████ (██████████).
- On 28 November 1994, you commenced a period of unauthorized absence (UA).
- On 7 January 1995, you were declared a deserter via naval message. There is no evidence in your record that you returned from your period of desertion.

In your application to this Board, you express a desire for your discharge character of service be upgraded from Other Than Honorable (OTH) and you be issued a DD Form 214 for your period of service completed prior to your 36-month extension. You contend that:

- Due to your faithful and meritorious military service, your characterization of service should be upgraded from OTH to Honorable.
- You seek the issuance of a DD Form 214 for your two-year obligatory service, which was part of your original contract, prior to signing an enlistment extension through the Instant Petty Officer Program.
- You made attempts to obtain your DD Form 214 with assistance from the Department of Veterans Affairs (VA) in the ██████████ but have been unsuccessful in those efforts.

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. The Board noted you did not deny committing the misconduct that formed the basis of your administrative separation and OTH discharge. While the Board did not have access to your administrative separation documents, in cases such as yours, 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. Therefore, the Board determined the presumption of regularity applies to your OTH discharge and 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, your need for veterans' benefits, 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, the Board determined your desertion from the Navy showed a complete disregard for military authority and regulations. Your conduct was sufficiently serious to negatively affect the good order and discipline of your command. The

Board further considered the likely negative discrediting effect your civilian conviction had on the Navy. 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. While the Board acknowledged the medical issues you have endured, ultimately, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice.

Finally, regarding your request for a DD Form 214 for your period of active duty prior to your extension, per applicable governing instructions, a DD Form 214 is not issued upon the commencement of an extension of enlistment. A DD Form 214 is only issued upon the completion of the service member's enlistment requirement or for another qualifying reason for separation, such as discharge, retirement, or other forms of separation as outlined in Navy regulations. Since your extension of enlistment fails to meet the requirements for the issuance of a DD Form 214, the Board found no basis to grant your request.

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,

5/19/2026

