

4. Consequently, you were notified of pending administrative separation proceedings for misconduct due to pattern of misconduct and commission of a serious offense. You acknowledged that the least favorable characterization of service you may receive was under Other Than Honorable (OTH) conditions. You waived your procedural rights to consult with counsel and to request a hearing before an administrative separation board.

5. The commanding officer forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Navy with an OTH. The separation authority approved the recommendation by reason of misconduct due to a pattern of misconduct and you were so discharged on 23 June 2000.

In your application to this Board, you express a desire for your discharge character of service be upgraded and to receive a “disability benefit acknowledgement.” You contend that:

1. You received an OTH discharge for your failure to adapt but believe there were special circumstances.
2. In November 1999, you fell down and hurt your lower back while carrying equipment and were given the rest of the day off. You continued to have pain and limited mobility, but didn’t want to appear weak and were able to self-medicate with alcohol.
3. You take full responsibility for not completing the alcohol treatment program.
4. You were 17 years old, naive, immature and wishing to show everyone you were as tough as your peers.
5. Your command failed to make sure you stayed on the path to sobriety and you did not receive or seek the help you needed until it was too late. This made your performance, attendance and ship worthiness become nonexistent, and the alcoholism led to your having multiple UAs and eventually your OTH discharge.
6. You are requesting consideration of upgrading your discharge so you can continue the recovery and the treatment you have received since your current incarceration, since the root cause of your continued drinking stems from an accident that happened in the Navy.

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. Therefore, the Board determined the presumption of regularity applies to your administrative separation 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, 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, your rehabilitation efforts, your candor and remorse, the evidence you provided in support of your application, your advanced age, 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. Further, the Board was not persuaded by your contention that your back pain led to your incidents of misconduct. The Board noted your first NJP occurred prior to your contended back injury and could find no reasonable nexus between a back injury and larceny or making a false official statement. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions regarding your discharge. Thus, 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. Finally, 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. 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.

Regarding your request for acknowledgement of a disability benefit, the Board found no evidence to support a finding that you incurred or aggravated a qualifying disability condition while on active duty. Moreover, the Board found no evidence you were unfit to perform the duties of your office, rate, rank or rating due to a qualifying disability condition. As a result, the Board found no basis to grant you request for military disability benefits.¹

Accordingly, given the totality of the circumstances, the Board determined 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

¹ The Board has no cognizance over Department of Veterans Affairs (VA) disability benefits. If you were seeking such benefits, the Board recommends you contact the VA directly.

a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely, _____

3/30/2026

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Executive Director

Signed by: █