



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

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Docket No. 7847-25
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 13 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 began active duty on 16 November 1998.
2. On 12 October 1999, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and/or conduct and directed to refrain from alcohol consumption and obtain assistance from the command Drug and Alcohol Program Advisor, and Counseling and Assistance Center. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.
3. On 15 November 2000, you were arrested for misdemeanor domestic battery.

4. On 29 June 2001, you received an additional Page 13 retention warning/counseling for failure to obey a lawful written order.

5. From 1 December 2000 until 14 March 2002, you received non-judicial punishments (NJP) on six occasions for multiple periods of unauthorized absence (UA), multiple failures to obey lawful orders, twice willfully disobeying a superior commissioned officer, assault, communicating a threat, giving false official statements, and dereliction in the performance of your duties.

6. Consequently, you were notified of pending administrative separation proceedings by reason of misconduct due to a pattern of misconduct. Based on the command's decision to utilize notification procedures, you were informed that the least favorable characterization of service you may receive was General (Under Honorable conditions) (GEN). After you waived your rights to consult with counsel and to submit a written statement, your commanding officer (CO) forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Navy with a GEN Characterization of service. As part of the CO's recommendation, he stated in pertinent part:

[Petitioner]'s performance on board is continually sub-standard. His continued and total failure to adhere to Navy regulations and standards has caused excessive time and workload burden for his chain of command. His chain of command has been trying to help [Petitioner] resolve his personal affairs since reporting on board with no success. [Petitioner]'s disobedience of Navy and Command policies is a disruption to the good order and discipline of my Command and is completely unacceptable. I recommend that [Petitioner] be separated from the Naval Service and that the characterization of his separation be General due to a pattern of misconduct.

7. Ultimately, the separation authority approved the CO's recommendation and you were so discharged on 26 April 2002.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that your DD Form 214 does not reflect the change to Honorable.¹

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 GEN discharge. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record. In making this finding, the Board noted that Department of Veterans Affairs (VA) eligibility determinations for health care, disability compensation, and other VA-administered benefits are for internal VA purposes only. Such VA

¹ You contention is presumably related to the 8 December 2023 VA decision letter that annotates your character of discharge was determined to be Honorable for the purpose of establishing your eligibility for VA benefits.

eligibility determinations, disability ratings, and/or discharge classifications are not binding on the Department of the Navy and have no bearing on previous active duty service discharge characterizations.

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, the totality of your service, your relative youth and immaturity at the time of your misconduct, your current disability issues, the evidence you provided in support of your application, 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 GEN discharge. As explained by your commanding officer, 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. Further, the Board noted you already received significant clemency from the Navy when you were processed using notification procedures for misconduct that normally results in an Other Than Honorable discharge. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of your misconduct led them to conclude you were fortunate to receive a GEN characterization of service and that your service was not Honorable. Therefore, the Board did not find an upgrade of your discharge to Honorable to be warranted in the interests of justice.

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 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

