



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 7947-25

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 16 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 enlisted in the Navy and began a period of active duty on 18 April 2001.
2. Your record indicates you married on 7 October 2002.
3. On 22 December 2005, you received non-judicial punishment (NJP) for Adultery, Bigamy, and submitting a false official statement.
4. Consequently, you were notified of pending administrative separation proceedings for commission of a serious offense and informed 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 legal counsel, request an administrative discharge board (ADB), and submit a written statement to the separation authority. The Commanding Officer (CO) forwarded your administrative separation package to the separation authority recommending your

administrative discharge from the Navy with an OTH character of service. As part of the CO's recommendation, he stated in pertinent part:

My chaplain and staff spent almost 9 months prior to charges advising [Petitioner] the need to provide support to his estranged wife and child in █ and the importance of finalizing a divorce to move on with his life and career. [Petitioner] chose to ignore this advice and commit misconduct by marrying and engaging in a sexual relationship with another woman. Once his second marriage came to light, [Petitioner] lied when questioned regarding his second wife, whom he referred to as his "girlfriend."

5. The separation authority approved the CO's recommendation and you were so discharged on 8 February 2006.

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, your service connected disability conditions, the extenuating circumstances 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 concluded that your misconduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your issues with your estranged wife and child but chose to commit misconduct by marrying another woman while still legally married, engaging in an adulterous relationship, and lying about it. As pointed out by your commanding officer, you were provided nine months of counseling by members of the command before you committed the misconduct. Thus, the Board found your actions intentional and unmitigated by the circumstances you presented. 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. 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 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,

2/18/2026

