



The Board initially concluded you were appropriately processed for administrative separation based on your civil conviction and separated with an OTH characterization of service. While the Board carefully considered your contention that you “did time” for something which you had no knowledge, the Board noted you provided no evidence, other than your statement, to support your contention. Therefore, the Board was not persuaded by your implied argument that you were wrongfully convicted in civil court. Further, the Board found the nature of your civil misconduct, when considered in conjunction with your NJP and SPCM conviction, was sufficient to support the Navy’s conclusion that you possessed no further potential for military 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, your relative youth and immaturity at the time 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 noted the likely discrediting effect your civil conviction had on the Navy and the nature of the misconduct for which you were convicted. Further, the Board considered the aggravating factor of your pervasive UAs, which resulted in NJP and a SPCM conviction, established a higher burden to justify equitable relief which you did not satisfy. Moreover, 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. Accordingly, 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.

Thus, 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,

1/26/2026

