



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

██████████
Docket No. 8116-25
Ref: Signature Date

██████████
██████████
██████████

Dear ██████████

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 27 April 2026. The names and votes of the panel members will be furnished upon request. Your allegations of error or 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) and the 20 September 2011 guidance from the Under Secretary of the Defense regarding the correction of military records following the repeal of 10 U.S.C. 654 (Don't Ask, Don't Tell (DADT)).

This Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case on the evidence of record.

You previously applied to this Board for an upgrade to your characterization of service and for changes to your narrative reason for separation and separation code. In its 3 November 2019 decision, this Board determined that, although you were diagnosed with a personality disorder, it would be an injustice to characterize your discharge on the basis of a diagnosed character and behavior and/or adjustment disorder. Accordingly, the Board granted partial relief by changing your narrative reason for separation and separation code to align with a Secretarial Authority discharge. However, the Board denied your request for an upgrade to your characterization of service from an uncharacterized entry-level separation. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

In your current application to this Board, you express a desire for your discharge character of service be upgraded and contend that:

- You were discharged under the false premises that you were homosexual. You clarified at Captain's Mast that you were not homosexual and only claimed to be since your father passed away while you were at basic training and your desire to return home to support your mother.
- Because DADT discharges are now being upgraded under current policy, you are entitled to comparable relief.

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 personality disorder diagnosis. While the Board considered your contention that you were discharged based on your false claim of being a homosexual and noted that you received non-judicial punishment for your false official statement, it found no evidence you were processed based on homosexuality. Further, the Board concluded you were appropriately assigned an uncharacterized entry level separation based on your active duty service time. The Board noted you do not contest your active duty time in service. 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 non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your candor, 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 your assigned uncharacterized entry-level separation remains appropriate. The Board noted that service regulations direct the assignment of an uncharacterized entry-level separation for service members processed for separation, as you were, within their first 180 days of active duty. While there are exceptions to this policy, the Board found that none applied to you based on the circumstances of your separation. In reviewing the circumstances of your case, the Board was unable to discern any facts that were extraordinary or uniquely different from countless of other former service members who were discharged while in an entry level status. While the Board acknowledged your desire for a discharge upgrade and argument that you should receive the same upgrade benefit as those discharged under DADT, it determined the Department of the Navy's interest in maintaining consistency in its personnel system outweigh those mitigation factors. Further, as previously discussed, you were not processed under DADT and do not warrant the same consideration as those individuals. Finally, the Board determined it would be an injustice to reward you for your misconduct and you should not benefit from your attempt to avoid your service obligation through fraudulent means. Therefore, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice.

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, _____

5/20/2026

