



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

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Docket No. 8128-25
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 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).

You enlisted in the U.S. Navy and began a period of active duty on 28 December 1982. On 19 December 1986, you extend your enlistment for 25 months to have sufficient obligated service for attendance at RM school. On 16 June 1987, you extend your enlistment for five additional months to incur obligated service. On 10 January 1989, you were found guilty at special court-martial (SPCM) for sodomy and indecent assault. You were sentenced to confinement, forfeiture and a Bad Conduct Discharge (BCD). After completion all levels of review, you were so discharged on 17 May 1990.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire for your military ribbons, documentation of your Honorable service for period of 28 December 1982 to 28 December 1986, and an Honorable discharge certificate for that period. For purposes of clemency and equity consideration, the

Board considered the totality of your application, which consisted solely of your DD Form 149 without any other additional documentation.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your record contains no known errors. The Board noted that for a period of continuous Honorable service to be added to a Certificate of Release or Discharge from Active Duty (DD Form 214), a service member must complete an enlistment, immediately reenlist, and commence another period of active duty. In your case, you extended your first enlistment for a total of 30 months and did not reenlist prior to your SPCM conviction and BCD. Thus, the Board determined your DD Form 214 correctly does not annotate your period of service prior to the two extensions and, thus, concluded there is no basis to grant you an Honorable discharge certificate.

As a result, even in light of Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Regarding your request for military ribbons, the Board determined you have not yet exhausted your administrative remedies. You must first contact Commander, Navy Personnel Command to request a review for any missing awards or certificates.

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,

1/22/2026

