



Docket No. 8232-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF
[REDACTED] USN: [REDACTED]

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his discharge characterization be upgraded on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosure (2) applies.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 23 February 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies including references (a) and (b)¹.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's 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 the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 8 March 1989. As part of his enlistment processing, Petitioner admitted preservice use of marijuana and civil charges for public intoxication and speeding.

¹ The Board noted Petitioner checked the “PTSD” box on his application but did not respond to the Board’s request to provide evidence in support of his claim. In addition, Petitioner’s application did not discuss any mental health issues or include any medical evidence. Therefore, the Board did not consider Petitioner’s application under the guidance provided in the Kurta and Hagel memos.

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c. After a period of continuous Honorable service, Petitioner immediately reenlisted and commenced another period of active duty on 30 December 1992.

d. On 10 August 1993, Petitioner received a second NJP for a period of unauthorized absence (UA).

e. On 10 April 1994, Petitioner was involved in a domestic abuse incident with his spouse in which he was accused of yelling, choking, and striking her eight times with open hand. Petitioner was apprehended for simple assault and a restraining order was issued.

f. On 29 June 1994, Petitioner received a third NJP for the assault on his spouse, disobeying a lawful order, loud music, drunk and disorderly conduct, and wrongfully communicating a threat.

g. On 12 July 1995, Petitioner was evaluated by a CAAC counselor as a result of an accident while riding a bicycle to work. Subsequently, Petitioner was recommended for Level II Alcohol Rehabilitation and referred for a medical evaluation for alcohol and drug dependency. On 28 July 1995, Petitioner was arrested for suspicion of driving under the influence.

h. On 13 September 1995, Petitioner received a fourth NJP for insubordinate conduct towards officers, drunk driving, and drunk on duty.

i. On 27 September 1995, Petitioner was evaluated by a medical officer as a result of his previous alcohol related bicycle incident and recommended for Level II Alcohol Rehabilitation.

j. On 4 December 1995, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense and pattern of misconduct. Petitioner consulted with counsel and requested a case hearing by an Administrative Discharge Board (ADB).

k. On 8 February 1996, the ADB voted (3) to (0) to find that Petitioner committed misconduct on the basis of pattern of misconduct. The ADB recommended separation with a General (Under Honorable Conditions) but recommended Petitioner's separation be suspended for 12 months.

l. While awaiting adjudication of his administrative separation package, on 10 July 1996, Petitioner received a fifth NJP for a period of UA from appointed place of duty, and drunk and reckless driving.

m. On 6 December 1996, Petitioner was re-notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense and pattern of misconduct. Petitioner decided to waive his right to consult with counsel and another ADB. The commanding officer recommended Petitioner be separated with an Other Than Honorable (OTH) discharge characterization of service. The separation authority approved the recommendation on the basis of commission of a serious offense and Petitioner was so discharged on 24 January 1997. Upon his discharge, Petitioner was issued a DD Form 214 that

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did not annotate his period of continuous Honorable service from 8 March 1989 to 29 December 1992.

n. In his application, Petitioner submitted a personal statement taking full responsibility for his actions and expressing deep regret. Petitioner explained that he truly valued his time in the United States Navy and, following his discharge, he experienced a difficult period in his life that included struggles with alcohol abuse. After reaching rock bottom, Petitioner states he committed himself to rebuilding his life and has been sober for over fifteen years. During this time, Petitioner contends he has maintained stable employment and a consistent work history for more than twenty years. Petitioner acknowledges that he had legal issues related to his alcohol use in the past but emphasizes that he has since become a productive, law-abiding citizen. Petitioner also submitted his Department of Veterans Affairs (VA) decision document that annotates his period of service was deemed Honorable and he currently receives VA benefits. Finally, Petitioner states that he served approximately seven years and ten months of total active service, including a reenlistment and a second tour. Throughout his service, he worked as a Yeoman and took great pride in performing his duties. In this role, he witnessed other service members receive General (Under Honorable Conditions) (GEN) discharges under circumstances he believes were more serious than his own. This experience has led the Petitioner to believe that the issuance of an OTH discharge in his case was unduly harsh.

CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's request warrants partial relief. Specifically, as described above, the Board determined Petitioner's DD Form 214 fails to annotate Petitioner's period of continuous Honorable service from 8 March 1989 to 29 December 1992 and requires correction.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned characterization of service remains appropriate.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. While the Board carefully considered Petitioner's contention for mitigation, the Board noted Petitioner expressed remorse for committing the misconduct that formed the basis for his administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his 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, Petitioner's contentions, the totality of his service, Petitioner's relative youth and immaturity at the time of his misconduct, Petitioner's rehabilitation efforts and post-service record of accomplishments, Petitioner's candor and remorse, Petitioner's claim of disparate treatment, and the passage of time since his 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 Petitioner's misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that Petitioner's conduct

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showed a complete disregard for military authority and regulations. The Board observed Petitioner was given multiple opportunities to correct his conduct deficiencies, including a recommended suspension by the ADB, but chose to continue to commit misconduct, which led to his OTH discharge. Petitioner's conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of his command. In addition, the Board was not persuaded by Petitioner's contention of disparate treatment. In reviewing Petitioner's record of misconduct, the Board determined his five NJPs for multiple serious offenses more than justify his assigned OTH characterization of service. The allegation by Petitioner that other service members may have received GEN characterizations of service for similar or more serious offenses was not persuasive to the Board because it was not able to verify Petitioner's contentions and, more importantly, unable to discern the facts of those cases were similar enough to Petitioner's to be probative on the issue. Finally, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of Petitioner's discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. While the Board commends Petitioner for his post-service accomplishments and sobriety, ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct to support any additional relief.

RECOMMENDATION:

That Petitioner be issued a "Correction to DD Form 214, Certificate of Release or Discharge from Active Duty" (DD Form 215), for the period ending 24 January 1997, to reflect the following comment added to the Block 18 Remarks section:

"CONTINUOUS HONORABLE SERVICE FROM 8MAR1989 TO 29DEC1992."

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/9/2026

