



Docket No. 8371-25
Ref: Signature Date

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 April 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 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 based on the evidence of record.

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:

- On 24 March 1990, you completed the initial Armed Forces Examining and Entrance Station (AFEES) application for enlistment in the Navy Reserve under the Training and Administration of the Reserve (TAR) program. You reported for recruit training in [REDACTED] [REDACTED] and commenced active duty on 2 July 1990.

- On 16 April 1992, you received non-judicial punishment (NJP) for failure to obey an order or regulation and making a false official statement.
- On 21 April 1992, you were issued an administrative remarks (Page 13) counseling concerning your completion of a financial indebtedness class.
- On 4 November 1993, you were issued Page 13 counseling concerning deficiencies in your performance and/or conduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.
- On 11 January 1994, you received NJP for dereliction of duty, dishonorably failing to maintain sufficient funds for payment of a check, and with intent to defraud and for the procurement of an \$1850.00 down payment for a ■■■■■■■■■■, failing to have sufficient funds for payment of a check.
- On 23 January 1994, you received NJP for uttering a check with insufficient funds and dishonorably failing to maintain sufficient funds for payment of a check.
- On 11 March 1994, your security clearance was revoked.
- Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were separated, on 28 April 1994, with an "Under Other Than Honorable Conditions (OTH)" characterization of service, your narrative reason for separation is "Misconduct," your reentry code is "RE-4," and your separation code is "HKQ," which corresponds to misconduct – commission of a serious military or civilian offense, administrative discharge board required but waived.

In your application to this Board, you express a desire for your discharge character of service be upgraded and have errors you believe that exists on your DD Form 214 to be corrected. You contend that your DD Form 214 contains errors that include the OTH characterization of service, your designation as a reservist, and your enlistment date, which you indicate was "3/90."

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. The Board noted you did not deny committing the misconduct that formed the basis of your administrative separation and OTH discharge. With respect to your contention of an erroneous enlistment date, the Board noted the date in Block 12.a on your DD Form 214 is the date you entered active duty and does not necessarily align with the date you completed your initial enlistment actions. The Board also considered your

contention that you were not a reservist. The Board noted that you enlisted under the TAR program which allows Navy Reserve Sailors to serve full-time on active duty, supporting the operational readiness and administration of the Navy Reserve. Finally, the Board considered that you provided no evidence, other than your statement, to substantiate your contentions of error. Therefore, the Board determined the presumption of regularity applies to your OTH discharge, date of entry onto active duty, and your Navy Reserve status, and it concluded 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 totality of your service to include service highlights, the non-violent nature of your misconduct, 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 found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct, which led to your OTH discharge. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. Ultimately, 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 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,

5/19/2026

