



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

██████████
Docket No. 8470-25
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 8 May 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 previously applied to this Board for a discharge upgrade and were denied on both 24 July 2012 and 6 September 2019. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision and is again provided below.

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:

- You enlisted in the U.S. Navy and began a period of active duty service on 26 May 1982. Your pre-enlistment physical examination, on 28 January 1982, and self-reported medical history both noted no psychiatric or neurologic issues or symptoms. On 17 October 1982, you reported for duty on board the ██████████ in ██████████.

- On 4 May 1983, your command issued you a "Page 13" warning (Page 13) documenting your disciplinary infractions and substandard performance. Specifically, you were frequently absent from your appointed place of duty without authorization, were an unauthorized absentee for over three days, were found asleep on the job, and failed to obey lawful orders and regulations. The Page 13 advised you that should you continue your misconduct, that you will be processed for administrative separation from the naval service by reason of disciplinary infractions.
- On 15 September 1983, you commenced an unauthorized absence (UA). While in a UA status you missed the movement of your ship on 27 September 1983. Your UA terminated with your return to military control on 29 September 1983. However, on 11 October 1983, you commenced another UA while awaiting transfer back to your ship. Your command declared you to be a deserter on 12 November 1983. Your second UA terminated on 30 November 1983.
- On 10 January 1984, you were convicted at a Special Court-Martial (SPCM) for your two (2) UA offenses and for missing movement of your ship. The Court sentenced you to a reduction in rank to the lowest enlisted paygrade (E-1), confinement at hard labor, forfeitures of pay, and hard labor without confinement. On the same day, your command issued you a Page 13 warning documenting your conviction. The Page 13 advised you that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 25 February 1984, the Convening Authority approved the SPCM sentence as adjudged.
- On 24 March 1984, you received non-judicial punishment (NJP) for: (a) UA, and (b) for wrongfully and falsely signing for a fellow shipmate on an alcohol abuse program attendance sheet. You did not appeal your NJP. Following your NJP, your command notified you of administrative separation proceedings by reason of misconduct due to the commission of a serious offense. You waived your right to request an administrative separation board.
- On 4 May 1984, the Separation Authority approved and directed your discharge for misconduct with an under Other Than Honorable conditions (OTH) discharge characterization. Your separation physical examination and self-reported medical history did not note any psychiatric or neurologic issues, symptoms, or conditions. Ultimately, on 8 May 1984, you were separated from the Navy for misconduct with an OTH discharge characterization and assigned an RE-4 reentry code.

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

- You served your country, dedicating yourself to the mission of defending national interests. Despite facing significant personal hardships, including family instability, hazing, and service-related injuries, you remained committed to your duties.
- Under modern standards of fairness and the evolving standards of guidance implemented by the Wilkie, Kurta, and Hagel memos, you should be awarded a discharge upgrade.

- You were injured doing your duty while serving in Lebanon, placed on light duty for months, and had been AWOL to get married. The Navy's failure to properly diagnose or treat your injuries, coupled with reliance on misleading discharge advice from a JAG officer who promised you a discharge upgrade within a year, proves unfairness and a lack of discretion in how your discharge was administered.

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. Therefore, the Board determined the presumption of regularity applies to your OTH discharge 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 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, the injuries you suffered while on active duty, the evidence you provided in support of your application, your advanced age, 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. Further, the simple fact remains is that you left the Navy while you were still contractually obligated to serve and you went into a UA status without any legal justification or excuse on two (2) separate occasions totaling sixty-four (64) days, and you also missed the movement of your ship in the process. 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. In making this finding, the Board concluded that your cumulative misconduct was not minor in nature and that your conduct marks during your active duty career were a direct result of your serious misconduct and a failure to conform to basic military standards of good order and discipline, all of which further justified your OTH characterization. Finally, 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. While the Board acknowledged the personal difficulties you have endured, 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,

5/22/2026

