



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

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Docket No. 8911-25  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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.

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 9 March 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, 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)<sup>1</sup>.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) 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:

1. You enlisted in the navy and began a period of active duty on 12 January 1993.

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<sup>1</sup> The Board noted you checked the "PTSD" box on your application but did not respond to the Board's request to provide evidence in support of your claims. In addition, your application did not discuss any mental health issues or include any evidence. Therefore, the Board did not consider your application under the guidance provided in the Kurta and Hagel memos.

2. Between 6 May 1994 and 16 June 1994, you received nonjudicial punishment (NJP) on three occasions for willfully disobeying a lawful order, two instances of unauthorized absence (UA) from appointed place of duty, and dereliction of duty.

3. Consequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense and misconduct due to pattern of misconduct. You decided to waive your procedural rights and your commanding officer recommended you be discharged with an Other Than Honorable (OTH) discharge characterization of service by reason. The separation authority approved the recommendation and ordered you discharged by reason of misconduct due to pattern of misconduct. On 30 July 1994, you were so discharged.

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

1. You enlisted in the Navy with sincere intention of making the military a lifelong career.
2. You were involved in an incident with a petty officer and that was the beginning of the end of your naval career
3. You should have handled the situation differently and taken stronger steps to defend and preserve your career.
4. You deeply regret the circumstances that led to your separation from the Navy and accepts full responsibility for not responding to the situation in a more appropriate and professional manner.
5. You sincere apologize for any disruption or negative impact you actions may have caused.

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. While the Board carefully considered your contention for mitigation, the Board noted you did not deny committing the misconduct that formed the basis for your administrative separation and OTH discharge. 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 totality of your service, your relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, your candor and remorse, 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. 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. Therefore, the Board did not find an upgrade of your discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. While the Board commends you for your acceptance of responsibility for your actions and your remorse, ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct<sup>2</sup>.

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 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,

3/23/2026



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<sup>2</sup> Evidence of post-discharge character and accomplishments, along with advocacy letters, whether from employers or other credible sources, and normally assist the Board in determining whether clemency is appropriate. The Board noted you provided no supporting evidence other than your personal statement.