



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

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Docket No. 9153-25
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 27 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:

- You enlisted in the U.S. Navy and began a period of active duty service on 30 June 1977. Your enlistment physical examination, on 23 June 1977, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms.

- On 6 October 1977 you reported for duty on board the [REDACTED] in [REDACTED]
- On 21 December 1977, you commenced a period of unauthorized absence (UA) that terminated on 5 January 1978. On 25 January 1978, you received non-judicial punishment (NJP) for your 15-day UA. You did not appeal your NJP.
- On 3 February 1978 you commenced another UA. On or about 5 March 1978, your command declared you to be a deserter. Your UA terminated on 16 March 1981 with your arrest by civil authorities in [REDACTED].
- On 1 July 1981 you were convicted at a General Court-Martial (GCM) of your 1,137-day UA. The Court sentenced you to confinement, forfeitures of pay, a reduction in rank to the lowest enlisted paygrade (E-1), and a discharge from the Navy with a Bad Conduct Discharge (BCD). On 18 September 1981, the Convening Authority approved the GCM sentence, except suspended any confinement in excess of six (6) months, and suspended any forfeitures of pay in excess of \$600 per month for six months.
- On 9 February 1982, the U.S. Navy-Marine Corps Court of Military Review affirmed the GCM findings of guilty and sentence. Upon the completion of GCM appellate review in your case, on 3 September 1982, you were discharged from the Navy with a BCD 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 your reason for separation be changed. You contend that:

- You are requesting an upgrade based on your life's work and experience.
- You are 67 years old and have never had any issues with the law.
- Over the years you have built a successful mechanical company valued at \$23 million.
- You served honorably in the United States Navy for approximately five years and were widely regarded as an exceptional service member with significant potential. Despite your strong record, your military career was cut short due to a single uncharacteristic lapse in judgment. This isolated act of indiscretion ultimately led to your discharge, but it does not diminish the value of your prior service or the contribution you made during your time in uniform. The person who received that discharge at 23 is not the same person you are today.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately discharged with a BCD based on your GCM conviction and sentence. The Board noted you did not deny committing the misconduct that formed the basis of your GCM conviction and your conviction was affirmed on appeal.

Therefore, the Board determined the presumption of regularity applies to your BCD 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 and change to your reason for separation, 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, your rehabilitation efforts, your post-service record of accomplishments, the harshness of your punishment, the evidence you provided in support of your application, your advanced age, the character references you provided for review, 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. 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. The simple fact remained 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 for approximately 1,152 days. 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. While the Board commends you for your post-service accomplishments and acknowledged your tremendous rehabilitation efforts, ultimately, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice. Based on the same rationale, the Board also determined your reason for separation remains appropriate.

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,

5/13/2026

