



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

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Docket No. 9331-25
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 28 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 Navy Reserves and began a period of initial active duty training (IADT) on 24 April 2003. After being released from IADT, you joined your reserve unit on 13 November 2003. From 10 December 2005 to March 2006, you had unexcused absences for 12 drill periods. Your final satisfactory drill participation took place on 2 April 2006.
- Consequently, on 11 January 2007, you were notified of pending administrative separation proceedings by reason of unsatisfactory participation in the Ready Reserves. You were informed that the least favorable characterization of service you may receive is under Other Than

Honorable (OTH) conditions. You waived your right to consult with counsel and elected to submit a statement to the separation authority. Ultimately, the separation authority directed your administrative discharge with a General (under honorable conditions) (GEN) characterization of service by reason of Unsatisfactory Participation and you were so discharged on 17 May 2007

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

- You discharge characterization should be upgraded to reflect your dedicated service and the circumstances that led to your separation from the Navy Reserve, as it was done unfairly.
- During your first three years of service, you demonstrated exceptional dedication and performance. You completed Navy Boot Camp and Phase IV, approximately eight Navy professional development courses, maintained satisfactory participation in all requested drills and training, and showed consistent commitment to the Navy Reserve duties.
- As a mature enlistee at 37 ½ years old, you brought significant life experience and work ethic to your service, as evidenced by your early accomplishments.
- You repeatedly brought up non-payment for your drill attendance to the attention of your command, struggled with personal circumstances related to your drills, and you were promised to get discharged honorably. But the command failed to uphold their commitment.

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 failure to participate in required drills. The Board noted you do not deny failing to attend required drills that formed the basis of your administrative separation and GEN discharge. Therefore, the Board determined the presumption of regularity applies to your GEN 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 contentions, the totality of your service, the non-violent nature 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 noted that you did not provide any evidence, other than your statement to support your contentions. Moreover, the Board believed that it would be unjust to characterize your service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without the early curtailment of their service. 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 considered your claimed maturity

and outstanding service, and could not reconcile your conduct with those factors. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of your misconduct led them to conclude that your service was not Honorable. In fact, the Board determined you were fortunate to receive a GEN characterization of service despite possessing a record that typically results in an Other Than Honorable discharge. Therefore, the Board found that you already received significant clemency in your case. While the Board acknowledged that you may have been struggling with personal difficulties at the time you decided not to fulfill your contractual obligation to the Navy, 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 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,

6/8/2026

