



[REDACTED]

[REDACTED]

[REDACTED]

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.

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 and began a period of active duty on 1 April 1985. As part of your enlistment processing, you admitted preservice use of marijuana and an arrest for shoplifting.
- On 5 June 1986 and 18 May 1988, you received nonjudicial punishment (NJP) for a period of unauthorized absence (UA) from appointed place of duty and receiving, buying, or concealing stolen property. After your initial NJP, you were counseled concerning deficiencies in performance and advised that failure to take corrective action could result in administrative separation.
- Consequently, after your second NJP, you were notified of initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense. 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. He stated in his endorsement, "He has accumulated numerous hours in counseling in all levels of the chain of command. However, he still saw fit to purchase a VCR which he knew was stolen and that makes him a thief. I cannot tolerate a thief among honest hardworking shipmates in close quarters on a ship."

- Ultimately, the separation authority approved the recommendation, and on 8 June 1988, 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:

- A change to your discharge characterization would give you and your spouse access to additional benefits.
- The misconduct underlying your current characterization of service does not rise to the level of a serious offense as would typically warrant such a determination. It was an isolated incident that was not indicative of your overall character or conduct during your period of service.
- Even though recent updates to Department of Veterans Affairs (VA) regulations may render you eligible for certain benefits, you assert that your service more accurately aligns with the standards associated with a "General (Under Honorable Conditions)" characterization.

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 admitted to 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, your need for veterans' benefits, 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 an opportunity 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. In making this finding, the Board also disagreed with your contention that your misconduct was not sufficiently serious to support an OTH discharge. First, the Board noted that Uniform Code of Military Justice offense for purchasing stolen property authorizes a punitive discharge and, therefore, qualifies as a “serious offense” under the Military Personnel Manual. Second, the Board unequivocally agreed with your commanding officer’s sentiment that knowingly purchasing stolen property is a serious offense, comparable to larceny, that raises significant questions about your integrity and can easily erode morale within close quarters. The Board determined that your continued questioning of the gravity of your misconduct demonstrates a lack of remorse and, because remorse is a critical indicator of rehabilitation—a prerequisite for clemency—it determined you have not met the established criteria for a grant of clemency. 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 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,

5/22/2026

