



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

██████████
Docket No. 10023-25
Ref: Signature Date

████████████████████
██████████
████████████████

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 30 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 this 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 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

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 20 July 1989.
2. On 18 May 1990, you received nonjudicial punishment (NJP) for violation of Uniform Code of Military Justice (UCMJ) Article 117 (provoking speeches) and Article 134 (disorderly conduct). You were awarded punishment of forfeiture of \$100 pay per month for one month and 15 days of extra duty.

3. On 16 July 1992, you began a period of unauthorized absence that terminated on 29 July 1992. During this period, you missed ship's movement of ██████████
██████████.

4. On 26 February 1993, you were convicted at General Court Martial (GCM) proceedings of violating UCMJ Article 81 (conspiring to commit an offense to steal some amount for money from the US Government), Article 86 (unauthorized absence (UA) from 16 to 28 July 1992), Article 87 (missing ship's movement of the ██████████), Article 121 (did steal a Veterans Affairs (VA) personal identification card), Article 123, two specifications (specification (1): with intent to defraud, falsely make a check in the amount of \$6,327, and specification (2) with intent to defraud, offer a check in the amount of \$5,327); and Article 134 (wrongfully solicit an individual to offer four US Treasury checks, with intent to defraud). The Court sentenced you to confinement for a period of 12 months, forfeiture of \$500 pay per month for 12 months, reduction in rank to the paygrade E-1, and to be discharged with a Bad Conduct Discharge (BCD).

5. On 20 January 1995, you were so discharged and assigned an RE- reentry code.

In your application to the Board, you request an upgrade to your BCD and contend that:

1. For the past 30 years, you have been a model citizen, you have mentored and coached youth in various sports, you have gone back to school, and earned your Bachelor's Degree in Business.
2. You opened and ran your own commercial cleaning business for 15 years.
3. You have sought help from a licensed therapist.

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 do not dispute committing the misconduct for which you were found guilty of at court martial proceedings. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your BCD and no error exists with your record.

However, because you raised the issue of mental health¹, the Board applied liberal consideration to your claim of PTSD as an issue, and to the effect that this condition/experience may have had upon the conduct for which you were discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found insufficient evidence to conclude that you may have developed PTSD during your naval service. This conclusion is supported by the fact you provided no medical evidence in support of your claim. Additionally, again applying liberal consideration, the Board found insufficient evidence to conclude the misconduct

¹ You checked the "PTSD" box on your application but did not respond to the Board's 22 September 2025 letter and email requesting supporting evidence of your claim.

for which you were discharged was excused or mitigated by a PTSD condition and/or other mental health experience. In this regard, the Board simply had insufficient information available upon which to make such a conclusion. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

In addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your conduct in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, the totality of your service to include service highlights, your relative youth and immaturity at the time of your misconduct, your post-service record of accomplishments, your service to your community, the character references you provided for review, your post-discharge efforts at rehabilitation, 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 determined that conspiring to steal from the US Government, missing ship's movement, stealing a VA identification card, and falsely making checks with the intent to defraud are contrary to military core values and policy. Further, 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. 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 fully 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 commends you for your post-service rehabilitation efforts and accomplishments, 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,

4/3/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]