



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

██████████
Docket No. 10310-25
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 10 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, 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 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 U.S Navy and began a period of active duty on 12 June 1997.
2. On 12 February 1999, you received non-judicial punishment (NJP), for Article 121 or the UCMJ, after stealing a cell phone from a civilian.
3. On 22 March 1999, you signed a performance evaluation in which the promotion recommendation was marked as "significant problems." Even though retention was recommended, you were not recommended for advancement due to your misconduct.
4. On 9 June 2000, you signed a performance evaluation signed promotion recommendation which was marked as "significant problems." This time retention was not recommended because it was determined you lacked the maturity and discipline to make sound judgements. The

comments annotated that on several occasions you used your government issued credit card for other than authorized purposes and, while on liberty, continually failed to uphold Navy Core Values.

5. On 11 June 2000, you were discharged at the end of your obligated active service with a General (Under Honorable Conditions) (GEN) characterization of service.

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

1. You were unable to use your educational benefits due to your assigned characterization of service.

2. Your overall military behavior and performance of duty was proper and merits an Honorable. Even though your service was not perfect, you met and went above Navy standards during your military service.

3. You suffered the consequences of your misconduct with an NJP but improved your military behavior and proved your leadership, as evidenced by your counselings.

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

The Board initially concluded you were appropriately assigned a GEN characterization of service based on your service record. The Board noted you did not deny committing the misconduct that formed the basis of your GEN 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 need for veterans' benefits, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, the evidence you provided in support of your application, 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 GEN discharge. Contrary to your contention that your conduct improved after your NJP, the Board considered that your last performance evaluation prior to your separation from active duty annotated that your misconduct continued through your unauthorized use of a government credit card and failure to uphold Navy Core Values on liberty. Thus, the Board found that 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. While the Board agreed with you that flawless service is not required to receive an Honorable characterization of service, the cumulative effect and gravity of your misconduct led them to conclude that your service was not Honorable. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct.

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,

3/30/2026

