



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

██████████
Docket No. 10476-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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.

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 11 May 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, 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:

- You enlisted in the Navy and began a period of active duty on 14 December 1965.
- On 4 November 1966, you were charged and convicted by civil court for three instances of burglary. You were deemed a delinquent child and returned to the Navy for further action.
- On 22 November 1966, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to civil conviction, at which point, you decided to consult with counsel and requested a case hearing by an Administrative Discharge Board (ADB).
- On 3 February 1967, the ADB determined that you were adjudged a juvenile delinquent; however, the ADB recommended that you be retained in service. Your commanding officer (CO)

concur with the ADB findings and recommended retention in the Navy. On 17 March 1967, the separation authority approved and ordered that you were retained in the Navy. On 19 March 1967, you received a page 13 warning you that further misconduct may result in administrative separation.

- On 30 June 1967, you were interrogated by a special agent of the Office of Naval Investigations (ONI) as a result of indecent exposure allegations. You admitted that since your spouse left to visit her parents, you had a strong desire to expose yourself nude to other females and had done so approximately 15-20 times since May 1967.

- On 27 July 1967, you were notified of the initiation of administrative separation proceedings by reason of unfitness due to indecent exposure. You decided to waive your procedural rights and your CO recommended you be separated an Undesirable (OTH) discharge characterization of service. The separation authority approved the recommendation and you were so discharged on 25 August 1967.

- Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 1 December 1970, after determining your discharge was proper as issued.

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

- You served honorably with no prior disciplinary issues or performance concerns. Your discharge resulted from a single, unproven allegation of indecent exposure, which you firmly denied.

- You were not afforded a fair opportunity to defend yourself and was pressured into accepting an administrative discharge in lieu of court-martial, without legal counsel. You were a young and inexperienced service member, who felt coerced into accepting the discharge. This unjust action prematurely ended an otherwise honorable naval career.

- You have lived a law-abiding and productive life, including a long career in the medical imaging field, and have consistently upheld the values instilled during your military service.

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 statement to ONI. While the Board considered your contentions questioning the circumstances of your administrative separation, it noted you admitted to committing the misconduct that formed the basis of your administrative separation and OTH discharge. Additionally, contrary to your contention that you were forced out by your commanding officer without any due process, the Board noted you were given the opportunity to exercise your procedural rights as part of your second administrative separation processing, and you choose not to do so. Therefore, the Board was not persuaded by your unsupported allegations of denial of

due process. 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 relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, your post-service record of accomplishments, your advanced age, 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. Further, the Board was not persuaded by your contention you were administratively separated based on a single unproven allegation based on your admission to ONI you committed 15-20 incidents of indecent exposure in approximately one month. 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 considered that you provided no evidence, other than your statement, to substantiate your contentions. While the Board commends you for your post-service 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 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,

6/3/2026

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Executive Director

Signed by: █