



Response	Percentage
Yes, the current administration is responsible	55%
No, the current administration is not responsible	45%

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.

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 service on 1 December 1989. Your pre-enlistment physical examination, on 29 September 1989, and self-reported medical history both noted no psychiatric or neurologic issues, symptoms, or history. On 28 March 1990, you reported for duty on board the [REDACTED]
2. On 10 January 1991, you received non-judicial punishment (NJP) for the wrongful use of reproachful words. You did not appeal your NJP.

3. On 1 May 1992 you received NJP for: (a) unauthorized absence (UA), (b) failing to obey a lawful order, and (c) making a false official statement. You did not appeal your NJP.

4. On 3 May 1992, you commenced a period of UA that terminated on 5 May 1992. On 14 May 1992, you received NJP for your two-day UA. You did not appeal your NJP.

5. On 1 June 1992, you commenced another period of UA that terminated after approximately 1,050 days with your arrest by civilian authorities in ██████████. You were received onboard ██████████ on or about 19 April 1995.

6. Following your return to military control, you submitted a voluntary written request for an administrative discharge for the good of the service under Other Than Honorable conditions (OTH) in lieu of trial by court-martial for your 1,050-day UA offense. As a result of this course of action, you were spared the stigma of a court-martial conviction for your long-term UA, as well as the potential sentence of confinement and the negative ramifications of receiving a punitive discharge from a military judge.

7. In the interim, your separation physical examination on 3 May 1995 noted no psychiatric or neurologic conditions or symptoms. Ultimately, on 24 May 1995, you were separated from the Navy in lieu of a trial by court-martial with an OTH discharge characterization and assigned an RE-4 reentry code.

In your application to this Board, you express a desire for your discharge character of service be upgraded and your reason for separation and separation code be changed to "Secretarial Authority. You contend that:

1. Your entire life as a child you were bullied – mentally and physically by your father and fellow students.

2. You are asking for an upgrade so you can have a better chance for a promotion, and not be embarrassed any longer when someone asks you if you were in the military.

3. While you admittedly made mistakes in your youth, you have since made strides to become a valuable member of society.

4. Correcting your record would acknowledge your decades of rehabilitation and restore dignity to a life shaped more by perseverance than by a youthful mistake.

5. You would like to take this opportunity to apologize to this honorable board and to the United States Navy as a whole,

6. In your life following separation, you have devoted your life to growing mentally and professionally along with giving credit to the values instilled in you by the Navy.

7. You acknowledge that your conduct leading to your separation was misguided and immature, but given the statements of others and your post-service record, as well as the

disparity between the Sailor you were then and the man you are now, you respectfully request that this Honorable Board upgrade your Navy record.

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 and request to be discharged in lieu of trial by court-martial. While the Board carefully considered your contention of mitigation, 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 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 and a Secretarial Authority discharge, your contentions of pre-service bullying and mistreatment, the totality of your service, 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, your rehabilitation efforts, your post-service record of accomplishments, your candor and remorse, your service to your community, your advanced age, the character references you provided for review, 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 your extended period of UA was too serious to be mitigated by the evidence you presented. Further, the Board found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities 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. Additionally, the Board also noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was substantial and determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial, thereby sparing you the stigma of a court-martial conviction and possible punitive discharge. Finally, the Board believed that it would be unjust to characterize your less than 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. Therefore, the Board did not find an upgrade of your discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. Based on the same rationale, the Board also determined your reason for separation remains appropriate.

While the Board commends you for your post-service accomplishments and appreciates your expression of remorse for your conduct, 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,

3/24/2026

