



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

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Docket No. 10813-25
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 26 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 3 November 1992. As part of your enlistment process, you received a waiver for Delayed Entry Program (DEP) failure to graduate.
- Between 17 September 1993 and 3 March 1994, you received nonjudicial punishment (NJP) on four occasions for U.S. Government waste spoilage or destruction, disorderly conduct, drunkenness, two instances of breaking restrictions, communicating a threat, and two instances of unauthorized absence (UA).
- Consequently, you were notified of the 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 that you be discharged with an

Other Than Honorable (OTH) discharge characterization of service. The separation authority approved the recommendation and you were so discharged on 17 May 1994.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that:¹

- You enlisted in the Navy at a young age seeking discipline, stability, and a better future for yourself and your growing family.
- While attending boot camp, you were unable to be present for the birth of your daughter, which caused significant emotional distress and anxiety. You lacked the maturity and coping skills necessary to manage the stress and unresolved trauma from a difficult upbringing. Instead of seeking help, you turned to alcohol as a means of coping, which led to poor decisions and misconduct during your service.
- You accept the responsibility for your actions and does not seek to excuse your mistakes. Post discharge, you have matured significantly and become a husband, father, minister, and dependable leader within your family and community.

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 do not deny 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 relative youth and immaturity at the time of your misconduct, your post service accomplishments, 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. 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

¹ In addition to the contentions listed below, you also point out that you learned your discharge characterization of service is “dishonorable.” As explained above, the Board noted you were discharged with an OTH discharge characterization of service. It appears to the Board that you may be referring to the Department of Veterans Affairs (VA) characterization of your service. This Board has no authority to review or change VA determinations.

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 considered that you provided no evidence, other than your statement, in support of your application. 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. While the Board commends you for your continued post-service rehabilitation efforts and acknowledged your acceptance of responsibility for your conduct, 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,

6/16/2026

