



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

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Docket No. 11095-25
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 you did not file your application 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 23 February 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 Navy and began a period of active duty on 15 December 1986.
2. On 22 May 1987, you received nonjudicial punishment (NJP) for violating Uniform Code of Military Justice (UCMJ) Article 86 (unauthorized absence (UA)) and were awarded punishment of 15 days restriction, 15 days extra duties, and forfeiture of \$150 pay per month for two months (suspended for three months).
3. On 4 March 1988, you were found guilty at Special Court Martial (SPCM) for violating UCMJ Article 86 (two specifications of UA from 17 July 1987 to 8 September 1987 and from 30 September 1987 to 7 February 1988) and Article 112a (wrongful use of marijuana). The Court sentenced you to confinement for 30 days, reduction in rank to E-1, and a Bad Conduct

Discharge (BCD). On 8 December 1988, you were discharged on the basis of Conviction by Special Court Martial and received a BCD and a reentry code of RE-4.

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 SPCM conviction and sentence. While the Board carefully considered your contention for mitigation, the Board noted you did not deny committing the misconduct that formed the basis for your SPCM conviction and sentence. Therefore, the Board determined the presumption of regularity applies to your SPCM conviction and sentence 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 contention that you went UA due to your brother's aneurysm, the totality of your service, the non-violent nature of your misconduct, your need for veterans' benefits due to cancer, your relative youth and immaturity at the time of your misconduct, the harshness of your punishment, 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. Even taking into consideration your youth, the circumstances you faced while you were in Naval service due to your brother's health condition, and your current need for health care due to throat cancer, the Board found that your three instances of UA and your wrongful use of a controlled substance while on active duty outweighed the mitigation evidence offered. The Board determined that your wrongful use of a controlled substance negatively impacted the good order and discipline onboard your ship and potentially threatened the safety and wellbeing of your shipmates. Further, the Board observed you provided no evidence, other than your statement, to substantiate your contentions. 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. While the Board acknowledged the seriousness of health issues you may be facing, 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,

3/9/2026

