



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

██████████
Docket No. 11162-25
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 8 July 1987.
2. On 22 June 1988, you received nonjudicial punishment (NJP) for violating Uniform Code of Military Justice (UCMJ) Article 91 (willful disobedience of a petty officer) and were awarded punishment of correctional custody for 30 days.
3. On 2 September 1988, you received a second NJP for violating UCMJ Article 91 (willful disobedience of a chief petty officer) and were awarded punishment of punishment of restriction for 60 days and forfeiture of \$150 pay per month for two months.
4. On 14 October 1988, you received a third NJP for violating UCMJ Article 91 (insubordinate conduct toward a chief petty officer) and assault. You were awarded 60 days restriction.

5. Consequently, you were notified of administrative separation proceedings for misconduct due to commission of serious offense. You subsequently elected to have a hearing before an administrative discharge board (ADB).

6. On 7 December 1988, an ADB that unanimously found that you committed misconduct due to commission of a serious offense and recommended that you be discharged from Naval service with an Other Than Honorable (OTH) characterization of service. However, the ADB also recommended that your separation be suspended for six months.

7. On 9 December 1988, Command Officer (CO), ██████████ (██████████) forwarded the report of the ADB to Commander, Naval Military Personnel Command, supporting the findings of the board but disagreeing with the recommendation that your suspension be suspended for six months. The CO stated that despite “intensive counseling at all levels of the chain of command,” you continued to flaunt authority and disregard regulation. The CO recommended your immediate separation with an OTH characterization of service. Ultimately, on 14 February 1989 you were discharged from the Navy on the basis of Misconduct-Commission of a Serious Offense and received an OTH characterization of service 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 processed for administrative separation based on your record of misconduct. 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 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 contentions, the totality of your service, your need for veterans’ benefits, your relative youth and immaturity at the time of your misconduct, 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 multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct, which led to your OTH discharge. Specifically, based on your CO’s comments, you were offered intensive counselling at all level of the command to no avail. 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, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans’ benefits, or enhancing educational or employment opportunities. While the Board considered the length of time since your discharge and the possible need for benefits to address your health concerns, they determined the severity of your misconduct outweighed any mitigation resulting from those factors. 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. 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 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,

3/10/2026

