



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

██████████
Docket No. 11169-25
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 30 March 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 27 March 1989.
2. On 30 June 1989, you commenced a period of unauthorized absence (UA) that terminated on 1 August 1989.
3. On 11 August 1989, you commenced another period of UA that terminated on 2 October 1989.¹
4. On 3 October 1989, you were found guilty at special court martial of violating Uniform Code of Military Justice (UCMJ), Article 86 and Article 121).

¹ This information was derived from Certificate of Release or Discharge from Active Duty (DD Form 214).

5. On 12 September 1990, you were discharged from the Navy on the basis of Conviction by Special Court Martial, with a Bad Conduct (BCD) discharge and a reentry (RE) code of RE-4.²

In your request for correction, you request an upgrade to your characterization of service from a BCD to a General (under honorable conditions) discharge. You state that:

1. You made a serious mistake that led to your discharge and that you deeply regret your decision.
2. For the past 25 years, you have dedicated your life to education and mentoring students to value service, discipline and integrity.
3. You have lived responsibly since your discharge and that a correction to your characterization of service would reflect the person you have become.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately discharged based on your SPCM conviction and sentence. The Board noted you did not deny committing the misconduct that formed the basis of your SPCM and BCD. Even though your complete Record of Trial pertaining to the special court martial proceedings that led to your BCD are not reflected in your available Official Military Personnel File, in the absence of the complete records, the Board relied on your statements in your application, the information captured on your DD Form 214, and the available Court Memorandum. Therefore, the Board determined the presumption of regularity applies to your punitive discharge and no error exists with your record.

The Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, the totality of your service to include service highlights, your relative youth and immaturity at the time of your misconduct, your post-service record of accomplishments, your service to your community, the character references you provided for review, your post-discharge efforts at rehabilitation, 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 that led to the convening of court martial proceedings against you 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 determined that the necessity of convening a court martial to address your misconduct negatively affected the good order and discipline of your command. 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

² Your DD Form 214 was the only record that annotated any portion of your SPCM sentence.

offered. In addition, 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 post-service rehabilitation efforts and 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 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,

4/3/2026

