



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

Docket No. 11566-25
Ref: Signature Date

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 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 20 February 2025. 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 U.S. Navy and began a period of active duty service on 16 March 1987. Your pre-enlistment physical examination, on 15 October 1986, and self-reported medical history both noted no psychiatric or neurologic issues or symptoms. On 1 July 1987, you reported for duty on board the [REDACTED] in [REDACTED]

2. On 10 August 1988, you received non-judicial punishment (NJP) for failing to obey an order or regulation. You did not appeal your NJP. A portion of your punishment was suspended. On the same day, your command issued you a "Page 13" warning (Page 13) documenting your violation of the UCMJ and Navy Regulations. The Page 11 advised you that any further deficiencies in performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

3. On 21 September 1988, your command vacated and enforced the suspended portion of your August NJP due to continuing misconduct. That same day, you received NJP for insubordinate conduct. You did not appeal your NJP.

4. On 1 June 1989, you received NJP for an unauthorized absence (UA). You did not appeal your NJP.

5. On 3 August 1989, you received NJP for another UA. You did not appeal your NJP.

6. Following your fourth NJP, your command notified you of administrative separation proceedings by reason of misconduct due to a pattern of misconduct. You waived your rights to consult with counsel, submit written statements, and to request an administrative separation board.

7. Your command recommended to the Separation Authority (SA) that you should receive an under Other Than Honorable conditions (OTH) discharge characterization. Your separation physical examination, on 4 August 1989, and self-reported medical history both noted no psychiatric or neurologic issues or symptoms. On 21 August 1989, the SA approved and directed your discharge for a pattern of misconduct with an OTH discharge characterization. Ultimately, on 28 August 1989, you were separated from the Navy for misconduct with an OTH discharge characterization and were assigned an RE-4 reentry code.

8. At the time of your discharge, you were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) with an erroneous social security number of ██████████. This error was later corrected by Navy Personnel Command, on 16 March 2009, via a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215). The DD Form 215 annotates your correct social security number ██████████ and is contained in your service 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. While the Board carefully considered your contention for mitigation, the Board noted you did not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation and no error exists with your OTH characterization of service.

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, 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 advanced age, 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. 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. The Board concluded that your cumulative misconduct was not minor in nature. Further, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating medical, veterans' benefits, or enhancing educational or employment opportunities. Finally, the Board considered that you provided no evidence, other than your statement, to substantiate your contentions.

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,

3/5/2026

