



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

██████████
Docket No. 1384-26
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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel of the Board, sitting in executive session on 24 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).

You previously applied to this Board for a discharge upgrade and were denied on 29 September 2025. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

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. Despite your contention that you were innocent of the charges for which you were eventually separated from the Navy, the Board noted you voluntarily submitted the request to be separated in lieu of trial by court-martial. As chronicled in the Board's previous decision letter, in order to secure the benefits of an administrative separation vice court-martial conviction, you readily admitted to committing the offenses you were facing,

which included “inappropriate sexual behavior” with subordinates. Based on the charges you were facing and the overwhelming evidence against you from multiple witnesses, 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, the negative effect your discharge has had on your life, your rehabilitation efforts, your post-service record of accomplishments, your service to your community, the character references you provided for review, 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 noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was substantial and determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial, thereby sparing you the stigma of a court-martial conviction and possible punitive discharge. Despite your positive post-service mitigation evidence, the Board was unwilling to mitigate the serious misconduct you admitted to committing when you submitting your request to be discharged in lieu of trial by court-martial. Despite your profession of innocence, the Board considered that you gained a significant benefit by requesting an administrative separation and taking responsibility for your actions. The Board concluded it would not be in the interests of justice to allow you to change the bargain you entered into that involved charged misconduct of seven indecent assaults on five separate female Sailors, two incidents of indecently exposing your penis, enticing a female Sailor to engage in sexual intercourse for reward, soliciting the same female Sailor to violate the Uniform Code of Military Justice by engaging in prostitution, dereliction of duty, orders violation by creating a hostile work environment with sexual comments, and incapacitation for duty. By accepting your argument that you did not actually take responsibility for the most serious of your charged misconduct, the Board determined it would be facilitating a miscarriage of justice. While the Board commends you for your post-service accomplishments and continuing rehabilitation efforts, ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct and apparent lack of remorse for 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,

3/12/2026

