



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No: 124-20  
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 22 October 2020. The names and votes of the members of the panel 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 this 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, applicable statutes, regulations, and policies to include the 25 July 2018 Under Secretary of Defense Memo on Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations.

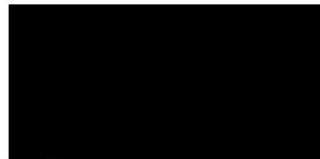
You enlisted in the Navy on 8 November 1984. During the period from 29 August 1985 to 8 August 1988, you received four non-judicial punishments for wrongful appropriation, unlawful entry, disrespectful language toward a petty officer, willfully disobeying a lawful order, simple assault, and using provoking speeches and gestures. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 28 July 1988, you received an additional NJP for willful disobedience of a superior commission officer and failure to obey a written order or regulation. On 28 September 1988, the ADB found that you committed misconduct due to a pattern of misconduct and recommended you receive an other than honorable (OTH) discharge due to a pattern of misconduct. The discharge authority concurred with the ADB and directed an OTH discharge by reason of misconduct. On 3 November 1988, you were discharged.

The Board carefully weighed all potentially mitigating factors such as character letters, your desire to upgrade your discharge, contentions that you were discharged four days before the end of your enlistment, you were discharged for major infractions that were minor infractions, and you provided dedicated service to the community. In reviewing the circumstances of your separation and characterization of service, the Board considered the totality of the circumstances to determine whether relief is appropriate today in the interests of justice in accordance with guidance provided by the Under Secretary of Defense for Personnel and Readiness (*Wilkie Memo of 25 July 2018*). Accordingly, the Board considered and acknowledged the length of your active duty service to our nation and your post-discharge achievements. Even considering these potentially mitigating factors in accordance with the above referenced guidance, the Board did not find that relief was in the interest of justice. The Board concluded that your OTH discharge characterization was issued without error or injustice, and that corrective action is not warranted.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

12/18/2020

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Executive Director

Signed by:

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