



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

█  
Docket No: 0764-21  
Ref: Signature Date

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Dear █

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 17 February 2021. 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 enlisted in the Navy and began a period of active duty on 8 November 1993. On 30 March 1995 and 29 April 1996, you received non-judicial punishment (NJP). Your offenses were two periods of unauthorized absence (UA). On 21 April 1997, you commenced a period of UA that subsequently concluded upon your return to military control on 13 May 1997, totaling 22 days. On 15 May 1997, you again commenced a period of UA that subsequently concluded upon your return to military control on 11 August 1997, totaling 88 days. On 12 August 1997, you received your third NJP for absence without leave, missing ship's movement, and willfully disobeying a superior commissioned officer.

Subsequently, you were notified that you were being recommended for administrative separation from the naval service by reason of misconduct due to commission of a serious offense and pattern of misconduct. The notification advised that if separation was approved, the least favorable description of service authorized in your case would be under other than honorable

(OTH) conditions. You were advised of, and waived your procedural rights, including your right to consult with and be represented by military counsel, and your right to present your case to an administrative discharge board (ADB). Your commanding officer (CO) then forwarded your package to the separation authority (SA) recommending administrative discharge from the naval service with an OTH characterization of service. The SA approved the discharge recommendation, and on 11 September 1997, you were so discharged.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to upgrade your discharge and contention that your discharge is prohibiting you from receiving your benefits. The Board noted you did not submit any documentation or advocacy letters to be considered. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by three NJPs, outweighed these mitigating factors. 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,

3/9/2021

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Executive Director