



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

■
Docket No: 1537-21

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 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 9 April 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, 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 Naval Reserve on 17 July 1981. On 20 December 1981, you began a period of unauthorized absence (UA) which lasted 2 hours and 35 minutes. On 23 December 1981, you began a second period of UA which lasted 7 hours and 30 minutes. On 5 January 1982, you received nonjudicial punishment (NJP) for the two periods of UA. On 18 January 1982, you were assigned a mark of 2.0 in professional performance for your lack of personal application towards school completion, a mark of 2.8 in military behavior due to poor attitude and behavior, and a mark of 2.8 mark in military appearance due to repeated failure to meet minimum grooming and uniform standards.

On 8 July 1986, you reported for involuntary active duty without a sea bag or uniform. On 9 July 1986, you acknowledged and signed a drug and alcohol statement of understanding. On 25 July 1986, you tested positive for tetrahydrocannabinol (marijuana) during urinalysis. On 3 September 1986, the results of your drug and alcohol report revealed no potential for future naval

service. On 9 September 1986, you began a third period of UA which lasted eight hours. On 18 September 1986, received a second NJP for the UA. Subsequently, you were notified failure to take corrective action may result in the initiation of administrative separation proceedings. On 30 September 1986, you were notified of the initiation of administrative discharge proceeding by reason of misconduct due to drug abuse. On 1 October 1986, you acknowledged your procedural rights and elected to submit a statement, and objected to be separated from the Naval service. On 6 December 1986, your commanding officer (CO) recommended you for retention due to good performance. On 4 November 1986, the Chief of Naval Personnel approved your request for retention in Naval service. On 12 November 1986, you received a retention notification and you were advised that further deficiencies in performance and conduct may result in administrative separation proceedings. On 3 November 1987, you received a third NJP for failure to obey a lawful order, and dereliction of duty. Subsequently, your CO denied your request for a personal appearance, and for an NJP public hearing. On 6 November 1987, you were discharged with a General characterization of service at the expiration of your term of enlistment.

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 contention that your discharge proceedings were conducted after duty hours, and you were told to come back to receive an honorable. The Board noted you did not submit any documentation or advocacy letters to be considered in support of your petition. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your General characterization of service was appropriated based on you repeated misconduct, as evidenced by your NJPs. 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 the 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,

4/30/2021

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Executive Director

Signed by: █