



matter belonging to other individuals. As punishment, you were awarded confinement, reduction in rank, forfeiture of pay and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, you were discharged on 6 September 1974.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 4 August 2021. The AO noted that your records did not contain evidence of a diagnosis of a mental health condition or psychological/behavioral changes, which may have indicated a mental health condition. Throughout your disciplinary actions, counselings, and administrative processing, there were no concerns cited that would have warranted referral to mental health resources. Although you claimed PTSD, you did not provide any description of your purported trauma, symptoms that would meet the criteria for PTSD, how those symptoms interfered with your ability to function, or related to your in-service misconduct. The AO concluded by opining that the preponderance of objective evidence failed to establish you were diagnosed with PTSD or suffered from PTSD at the time of your military service, or your in-service misconduct could be attributed to PTSD or other mental health conditions.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contention that: 1) due to your age at the time, you were not made aware of your options because you were not guilty; 2) all of your promotions were meritorious; and 3) you were pardoned by the Governor of █ and received all of your rights back. After careful consideration of the AO and applying liberal consideration, the Board did not find an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded characterization of service.

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 contentions as previously discussed and your desire to upgrade your discharge character of service. The Board noted that you did not submit any supporting documentation or advocacy letters in support of your application. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct as evidenced by your NJP and SPCM conviction and subsequent BCD, outweighed these mitigating factors. Accordingly, given the totality of the circumstances, the Board determined 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,

10/17/2021

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Executive Director

Signed by: █