



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

█  
Docket No: 2595-21  
Ref: Signature Date

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Dear █ Petitioner:

This is in reference to your application for correction of your father's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your father's 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 4 August 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).

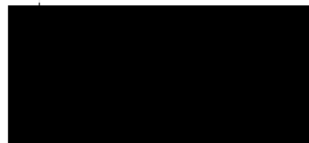
Your father enlisted in the Navy Reserve on 13 January 1944. During the period from 7 October 1944 to 5 December 1944, he received non-judicial punishment (NJP) on two occasions. The offenses included two specifications of unauthorized absence (UA) totaling four days and breaking arrest. On 19 December 1944, a summary court-martial (SCM) convicted him of UA for one day and breaking arrest. During the period from 7 January 1945 to 12 March 1945, he received three NJPs. The offenses included five specifications of absence from his appointed place of duty, disobeying a lawful order, UA for eight days, and breaking arrest. On 1 February 1946, a general court-martial (GCM) convicted him of two specifications of UA totaling 25 days and breaking arrest. He was sentenced to confinement for 12 months, reduction to E-1, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 1 October 1946, he was so discharged.

The Board carefully considered the totality of the circumstances to determine whether relief is warranted in the interest of justice in accordance with the Wilkie Memo. In this regard, the Board considered the fact that your father is now 95 years old and would like to end his time with a discharge upgrade, his contention that he has lived an honorable life since leaving the Navy, his pride in our country, and the passage of time since his discharge. Unfortunately, the Board did not find that these matters outweighed your father's misconduct, as evidenced by his five NJPs and both a SCM and a GCM conviction. You simply did not provide the Board with sufficient reason to warrant clemency. More details about the honorable life that your father has lived since leaving the Navy, or evidence in mitigation of the misconduct for which he was discharged, would have weighed in favor of a discharge upgrade. Recognizing your father's advanced age, I would encourage you to review the guidance of the aforementioned Wilkie Memo, and to reapply in accordance with the guidance below with as much evidence as you can reasonably provide to mitigate his misconduct or to highlight his honorable life.

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,

8/16/2021

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Executive Director

Signed by

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