



On 18 January 1984, you received a second NJP for failing to obey a lawful order. Just shy of one month later, you were counseled for your inability to pass the battalion run. Finally, on 23 February 1984, you were counseled for developing a pattern of misconduct, specifically your multiple NJPs. On 24 February 1984, subsequent to your last counseling warning, you received a third NJP for again failing to obey a lawful order and for dereliction of duty. On 1 March 1984, you were notified of separation proceedings for unsatisfactory performance due to failure to conform to weight standards. You were reduced in rank for incompetency on 06 March 1984, and discharged on 15 March 1984. Your record is incomplete in that it does not contain all of the information with regard to your administrative separation. Absent such evidence, the Board relied upon the presumption of regularity and presumed that the officials acted in accordance with governing law/policy and in good faith, and that you were properly discharged.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contention that since your discharge for being overweight, it has been discovered that you have an underactive thyroid condition which requires you to take medication. However, the Board noted you did not provide documentation in support of this contention. The Board concluded there was insufficient evidence of an error or injustice that warrants 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 desire to upgrade your characterization of service based on your contention above. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your repeated misconduct 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 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,

8/5/2021

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Executive Director

Signed by █