



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

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Docket No: 3144-21

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 2 July 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 Navy and began a period of active duty on 4 October 1989. From a period beginning on 12 July 1990 to 31 May 1991, you received nonjudicial punishment (NJP) on three occasions for a total of 7 instances of unauthorized absence (UA) totaling 31 days. On 1 March 1992, you were convicted by a summary court-martial (SCM) for 3 instances of UA totaling 136 days, and 3 instances of missing ship's movement.

On 4 March 1992, you were notified of the initiation of administrative separation processing by reason of misconduct due to commission of a serious offense. You were further notified that the characterization of service could be under other than honorable (OTH) conditions. On the same date, you elected to waive all your procedural rights. On 17 May 1992, the separation authority approved your separation with an OTH characterization of service due to commission of a serious offense. On 11 May 1992, you began an eleventh instance of UA which lasted three days. On 20 May 1992, you were discharged. In 2013, you filed an application with this Board in which you

contended that you were given a hardship discharge. On 17 October 2013, the Board denied your request for a discharge upgrade.

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 you were denied the opportunity to go on leave and attend to your spouse during birth complications. The Board also considered the five letters you provided in support of you application. However, based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your repeated misconduct, as evidenced by your NJPs and SCM, 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,

7/20/2021

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Executive Director

Signed by █