

you surrendered on 28 December 1990. Subsequently, on 20 January 1991, you received your third NJP for being in an unauthorized absence status (UA), disrespect towards a commissioned officer, and willful disobedience of a lawful command. On 9 February 1991, you were given an administrative counseling entry for your failure to participate in the Command Physical Readiness Training Program, notified of your retention in the Naval Service, and advised that any further misconduct of discreditable nature may be grounds for processing for administrative separation. On 4 April 1991, you received your fourth NJP for dereliction of duty. Subsequently, on 5 April 1991, you were notified of pending administrative separation by reason of misconduct, specifically, due to commission of a serious offense and a pattern of misconduct, at which time, you elected not to consult with counsel, and waived your procedural rights to an administrative discharge board. Further, you were notified of your Commanding Officer's intent to recommend that you be discharged with an other than honorable (OTH) characterization of service. On 9 April 1991, the discharge authority directed your discharge with an OTH characterization of service by reason of misconduct, specifically, a pattern of misconduct. On 18 April 1991, you were discharged with an OTH characterization of service.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contentions that you were told if you went to Captain's Mast more than three times, you would get kicked out, and that you were given Captain's Mast at no fault of your own. 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 contentions above and your statement that you have served your community. The Board further noted the two advocacy letters from your colleagues to be considered for clemency purposes. 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,

7/29/2021

██████████
Executive Director

Signed by: ██████████