



**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: 3719-21  
Ref: Signature Date



Dear Petitioner:

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 9 August 2021. The names and votes of the panel members will be furnished upon request. Your request for clemency was 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 U.S. Navy (USN) and began a period of active duty on 5 April 1957. On 6 May 1960, you received Non-Judicial Punishment (NJP) for failing to go to your appointed place of duty and for dereliction of duty. On 16 November 1960, you received a counseling entry (CE) documenting that you had been in the USN for 3.5 years and had not completed any courses towards advancement. This CE further documented you had not been advanced past E-2 and advised that you were issued a military behavior mark of 2.8 due to your unwillingness to perform assigned duties. On 18 November 1960, you were issued another CE documenting that you were not being recommended for reenlistment. Despite the aforementioned, you were released from active duty on 18 November 1960, with an honorable characterization of service and placed in the U.S. Navy Reserves on 19 November 1960.

On 6 June 1961, an administrative entry placed in your service record stated your branch and class of service were changed from ready reserve to standby reserve due to your not being

recommended for reenlistment. This entry was retroactive to 19 November 1960. You were discharged from the standby reserve on 23 March 1962 with a general characterization of service due to your overall sub-standard performance.

You contend that your Executive Officer had it out for you, which is why you were given a less than honorable discharge. However, this Board is not an investigating agency nor does it have the resources to investigate unsubstantiated allegations.

The Board carefully reviewed your application and 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 noted above, as well as your desire to obtain benefits from USAA, which are only given to veterans with an honorable characterization of service. The Board further noted that you did not submit advocacy letters or post-service documents 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 misconduct and documented poor performance 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,

8/17/2021

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Executive Director

Signed by: █