



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: 4048-21

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 15 November 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 17 July 1975. On 15 October 1979, you were discharged with an honorable (HON) discharge characterization of service and immediately reenlisted. On 16 October 1979, you began a second period of active duty. On 7 December 1983, you were discharged with an HON discharged characterization of service and again immediately reenlisted. On 8 December 1983, you began a third period of active duty. On 30 November 1984, you were assigned marks of 2.8 for military knowledge and performance and reliability and personal behavior. You were removed as the leading disbursing clerk as a result of disbursing irregularities. On 4 June 1985, you were convicted by special court-martial (SPCM) for failure to obey a lawful order, two instances of larceny, and two instances of forgery. You were sentenced to a bad conduct discharge (BCD), reduction to the rank of E-1, confinement, and forfeiture of pay. On 27 January 1988, your commanding officer ordered the execution of your BCD. On 3 February 1988, you were discharged.

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 contentions that: (a) neither your defense counsel nor anyone else addressed the fact that you were addicted to drugs and alcohol; (b) the Navy left you behind by not offering you the opportunity to rehabilitate; and (c) you have been in jail in numerous occasions as a result of your drug and alcohol related issues. 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 SPCM, outweighed these mitigating factors. The Board noted that you submitted additional documentation from the Florida Department of Corrections to be considered. 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,

12/25/2021

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Executive Director

Signed by: █