



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

█  
Docket No: 5172-21

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 18 October 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 13 August 1982. On 1 February 1985, you began a period of unauthorized absence (UA) which lasted 30 minutes. On 19 February 1985, you received nonjudicial punishment (NJP) for a period of UA, and for larceny or fraud. On 20 February 1985, you were counseled for misconduct and advised that failure to take corrective action could result in administrative separation. On 31 May 1985, you began a second period of UA which lasted 16 hours and 45 minutes. On 4 June 1985, you received a second NJP for two instances of failure to obey a lawful order, and a period of UA. On 10 June 1985, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense, at which point, you elected to waive all your procedural rights. On 14 June 1985, your commanding officer recommended an other than honorable (OTH) discharge characterization of service by reason of misconduct due to commission of a serious offense. On 19 June 1985, the discharge approval authority approved and ordered an OTH discharge by reason of misconduct due to commission of a serious offense. On 26 June 1985, you

were discharged. On 29 July 2015, the Board for Corrections of Naval records denied your request for a discharge characterization 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 contentions that you served your country in an honorable manner, and that your offenses were minor and your discharge was too harsh. 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, outweighed these mitigating factors. The Board noted you did submit four letters of support, portions of your naval records, and a copy of VA Form 21-22 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,

11/5/2021

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Executive Director

Signed by: █