



you have not had further alcohol related incidents; (5) you no longer consume alcohol; (6) you have dealt with your emotional and physical pain and suffering; (7) you had no reason for a change until now; (8) you have "DMV" credit; (9) you volunteered for combat replacement company during Operation Desert Storm while temporarily assigned duties with [REDACTED]; (10) you are trying to help your family; and (11) you have financial hardship. The AO opined, there is insufficient evidence that you incurred an unfitting mental health condition during military service or that your misconduct could be attributed to an unfitting mental health condition.

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 discharge based on your contentions noted above. The Board viewed your allegations with serious concern. However, this Board is not an investigating agency nor does it have the resources to investigate unsubstantiated allegations. Additionally, no discharge is automatically upgraded due to the passage of time and/or an individual's good behavior after discharge. Additionally, the Board noted you did not submit advocacy letters or post-service documents to be considered for clemency purposes. Lastly, the Board considered the AO furnished by a qualified mental health provider. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined, despite your misconduct and non-compliance with your aftercare program, you were issued a general (under honorable conditions) characterization of service, and considers this appropriate and just.

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,

3/22/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]