

request, you admitted your guilt to the foregoing offense and acknowledged that your characterization of service upon discharge would be other than honorable (OTH). Your request was granted, and on 29 March 1974, you were so separated.

In reviewing your separation and characterization of service, the Board considered the totality of the circumstances to determine whether relief is appropriate today in the interests of justice in accordance with guidance provided by the Under Secretary of Defense for Personnel and Readiness (*Wilkie Memo of 25 July 2018*). Accordingly, the Board carefully considered all potentially mitigating factors, such as your desire to upgrade your discharge character of service. The Board also considered your contentions that: (a) you and your wife were separating and you had a hard time dealing with the separation; and (b) you feel that your character of service should be upgraded due to your prior service of good conduct. Additionally, the Board recognized and considered your statement in support of your claim to the Department of Veterans Affairs annotated on the VA Form 21-4138.

Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your subsequent separation at your request to avoid trial by court-martial for a period of unauthorized absence totaling 99 days, 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 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,

11/15/2021

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Executive Director
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