



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: 5866-21

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 20 December 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 October 1982. On 25 March 1984, you were counseled for blatant disobedience of a superior officer. You were advised that failure to take corrective action could result in administrative separation. On 20 August 1984, you received nonjudicial punishment (NJP) for disobedience to a petty officer. On 31 December 1984, you were counseled for failure to go to appointed place of duty-tardiness. You were advised that failure to take corrective action could result in administrative separation. On 19 July 1985, you received a second NJP for insubordinate in conduct towards a petty officer, and failure to obey a lawful order. On 20 October 1985, you were convicted by civil authorities for failure to appear, and possession of alcohol. You were sentenced to a \$25.00 fine, and a \$25.00 court cost. On 13 December 1985, you received a third NJP for assault. On 23 January 1986, you received a fourth NJP for insubordinate in conduct towards a petty officer and assault. On the same date, your previous NJP sentence was vacated. On 24 January 1986, you were notified about the initiation of administrative separation proceedings by reason of misconduct due to pattern of

misconduct, at which point, you elected to waive all your procedural rights. On 14 February 1986, your commanding officer recommended an other than honorable (OTH) discharge characterization of service by reason of misconduct due to pattern of misconduct. On 13 March 1986, the discharge authority approved and ordered an OTH discharge characterization of service by reason of misconduct due to pattern of misconduct. On 26 March 1986, you received a fifth NJP for wrongful possession of a controlled substance. On 3 April 1986, 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) you have submitted several applications requesting a discharge upgrade; (b) the Board is not considering the fact that you have been out of trouble since your discharge from service; and (c) you have been able to sustain employment for nearly 29 years. 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 not submit any documentation or advocacy letters 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,

1/13/2022

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Executive Director

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