



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: 5885-21

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 19 June 1972. On 16 January 1974, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from appointed place of duty, and two instances of willful disobedience of an order from a superior officer. On 1 March 1974, you were assigned marks of 2.8 for professional performance due to lackadaisical and careless performance. On 23 April 1974, you began a second period of UA which lasted 5 hours and 45 minutes. On 1 May 1974, you received a second NJP for a period of UA. On 10 October 1974, you received a third NJP for a false or unauthorized pass offense, and disrespect towards a sentinel. On 27 February 1975, your previous NJP sentence was vacated. On 1 March 1975, you were assigned marks of 2.0 in the following areas: professional behavior, military behavior, military appearance, adaptability due to poor performance, disobedience of orders and regulations, several NJPs, and failure to adapt. On 15 March 1975, you received a fourth NJP for been disrespectful in language towards a superior officer and wearing an improper uniform at captain mast. On 18 June 1975, you were assigned marks of 2.8 in military behavior as a result of

NJP. On the same date, you were discharged with a general (GEN) discharge characterization of service by reason of released from active duty and transfer to naval reserves.

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) your previous infractions did not warrant the type of discharge you received; (b) racism played an instrumental role in how African Americans were treated when you served; and (c) you have lived in shame for 49 years as a result of your discharge characterization of service. 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,

1/10/2022

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Executive Director

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