



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: 6453-21
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 10 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, and 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 6 March 1974. On 8 October 1974 you commenced a period of unauthorized absence (UA) that concluded on 21 October 1974, totaling 13 days. On 23 October 1974, you commenced a second period of UA that concluded on 30 November 1974, totaling 38 days. On 11 December 1974, you received non-judicial punishment (NJP) for the foregoing periods of UA. On 30 December 1974, you were notified that you were being recommended for administrative discharge from the Navy by reason of unsuitability. The notification advised that if separation was approved, the least favorable description of service authorized in your case would be either honorable or general (under honorable conditions) as warranted by your service record. The separation authority subsequently directed your administrative discharge from the Navy by reason of unsuitability with a general (under honorable conditions) characterization of service. On 10 January 1975, you were so 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 desire to upgrade your discharge character of service. The Board also considered your contention that you were not discharged from the service for misconduct, you formally requested to be discharged from the service for personal family reasons.

The Board noted you did not submit any documentation or advocacy letters in support of your application to be considered for clemency consideration. Additionally, characterization of service is based in part on conduct marks assigned on a periodic basis. Your conduct mark average was 2.8. At the time of your service, a conduct mark average of 3.0 was required to be considered for a fully honorable characterization of service. 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 an NJP, which involved an unauthorized absence exceeding thirty days, outweighed these mitigating factors. Additionally, the Board noted that contrary to your contention that you formally requested a discharge, the record reflects that you were involuntarily recommended for administrative discharge, and subsequently discharged from the Navy. 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,

11/30/2021

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Executive Director

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