

submit character letters or post-service documents to be considered for clemency purposes. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your wrongful use of marijuana, three (3) nonjudicial punishments, and your Special-Court Martial, outweighed these mitigating factors. The Board further noted per an administrative remark in your record, you were placed on legal hold for disposition of pending court-martial and service of sentence. Unfortunately, the documents related to your separation in lieu of trial by court martial are not in your official military personnel file (OMPF). However, your Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that you were separated from the Navy on 22 October 1984 with an OTH characterization of service, your narrative reason for separation is "Separation in lieu of trial by court martial," your separation code is "KFS," and your reenlistment code is "RE-4." The Board relies on a presumption of regularity to support the official actions of public officials and, in the absence of substantial evidence to the contrary (as is the case at present), will presume that they have properly discharged their official duties.

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, _____

12/10/2021

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Executive Director
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