



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: 6527-21

Ref: Signature Date

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 25 October 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 27 February 1969. On 17 May 1969, you began a period of unauthorized absence (UA) which lasted 1 hour and 15 minutes. On 17 July 1969, you began a second period of UA which lasted 1 hour and 30 minutes. On 18 November 1969, you received nonjudicial punishment (NJP) for a period of UA. On 28 November 1969, you received a second NJP for assault on a petty officer. On 21 January 1970, you received a third NJP for disorderly on board. On 10 June 1970, you received a fourth NJP for failure to obey a lawful order. On 15 July 1970, you received a fifth NJP for disrespect towards a petty officer, violation of a written regulation, and failure to obey a lawful order. On 19 October 1970, you received a sixth NJP for being absent from your appointed place of duty. On 3 February 1978, the Department of Defense (DoD) Discharge Review Board denied your request for an honorable discharge characterization upgrade. On 23 October 1970, you were discharged with a general characterization of service by reason of early separation under an authorized program.

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 contention that you did your job despite of receiving low quarter marks and been reduced in rank. 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,

11/15/2021

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Executive Director
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