



sources of assistance. Upon completion of a brief period of restriction, you again absented yourself without authority on 26 August 1986; however, you were not punished for that offense. You received a second NJP for Article 86, UA, for a fifth period of absence from 30 January – 9 February 1987, and again were counseled on retention and the potential of separation for further misconduct. While in a restricted status, you subsequently committed multiple additional UA offenses from 1 – 8 March 1987, on 10 March 1987, on 21 March 1987, and from 24 March

– 13 April 1987, and received a third NJP on 15 April 1987 for Article 86, UA, and Article 134, breaking restriction. You served for approximately a year without further incident; however, you missed your ship's movement on 8 April 1988 and remained absent until 11 June 1988 when you were apprehended by civil authorities. While awaiting transfer to your ship, you again absented yourself from 20 – 24 June 1988 and 26 June – 31 July 1988, at which time you were placed into pre-trial confinement pending charges for your absences. You remained confined until 23 August 1988, but were released pending further disposition of your offenses. You were again placed on restriction from 7 – 9 October 1988 but then absented yourself without authority until again apprehended by civil authorities on 25 November 1988 for charges of grand theft auto. Your charges of Article 86, UA, Article 87, missing movement, and Article 134, restriction breaking, were tried before special court-martial (SPCM) on 6 January 1989, at which time you were sentenced to a Bad Conduct Discharge (BCD), in addition to other punishments. You waived your right to review by the Clemency and Parole Board and began appellate leave. Your conviction and BCD were approved after appellate review, and you were finally discharged on 28 July 1989.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your characterization of service and your contention that you carried childhood trauma with you during your military service suffered during your experiences as a boy scout, which has continued to affect you throughout your adult life and resulted in symptoms and behaviors of a mental health condition which contributed to your in-service misconduct. Because you contend a mental health condition either incurred in or aggravated by active military service, the Board also considered the AO, which reviewed your service records and the supporting documents submitted with your request. The AO observed that your in-service records contain no evidence of diagnosis, symptoms, or behavioral changes indicative of such a mental health condition. The AO notes that, although you provided record that you are part of a lawsuit against the Boy Scouts of America due to childhood trauma, you submitted no evidence of post-service treatment or diagnoses addressing the onset of symptoms and behaviors or establishing a nexus between your contended mental health condition and misconduct. The Board concurred with the AO in its assessment that the preponderance of available evidence failed to establish that your in-service misconduct was mitigated by a mental health condition. The Board also considered your evidence of post-service clemency in an undated character letter from ██████████ recommending you for a managerial or sales position and describing your many positive attributes as an employee. Although the Board notes that you are in the process of bettering yourself as a productive member of society, the Board concluded the potentially mitigating factors you submitted were insufficient to warrant relief at this time. Specifically, the Board determined that your misconduct evidenced by your two NJPs and SPCM for extensive periods of UA outweighed the mitigating factors you presented. 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 is attached 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, \_\_\_\_\_

3/10/2022

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Executive Director

Signed by: █