

On 14 January 1974, you were again convicted by a SPCM of disrespect in language towards a commissioned officer and disobedience of a lawful order from a commissioned officer. You were sentenced to confinement, forfeiture of pay and a bad conduct discharge (BCD). On 27 March 1974, you received your third conviction by a SPCM of an unauthorized absence totaling 66 days. You were sentenced to confinement, forfeiture of pay and a BCD. Subsequently, your BCD that was adjudged by your SPCM on 14 January 1974, was approved at all levels of review, and on 21 February 1975, you were so discharged.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 20 December 2021. The AO noted that in-service, you were diagnosed with a █, indicating that military service was not suitable to you. There is no post-service evidence of a mental health condition. Additional records are required to render an alternate opinion. The AO concluded by opining that there is insufficient evidence that you incurred PTSD during military service, and there is insufficient evidence that your misconduct could be attributed to PTSD.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your assertions concerning your medical condition and your desire for your children to have your flag, as well as your contention that you were lied to and all of your witnesses were sent overseas. Unfortunately, after careful consideration of the AO and applying liberal consideration, the Board did not find an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded characterization of service.

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 assertion as previously discussed and your desire to upgrade your discharge character of service. For purposes of clemency consideration, the Board noted you did not provide a statement or supporting documentation describing post-service accomplishments, or advocacy letters. Based upon this review, the Board concluded that your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct as evidenced by your two NJPs and three SPCM convictions outweighed these mitigating factors. The Board further concluded that the discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service, which was terminated by your discharge. Accordingly, given the totality of the circumstances, the Board determined 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, _____

3/14/2022

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Executive Director

Signed by: █