



assault, three instances of using provoking words, and communicating a threat. You were sentenced to reduction to the rank of E-1, confinement, and forfeiture of pay. On 29 May 1979, you were convicted by SPCM for two instances of willingly disobeying a lawful order from a superior noncommissioned officer, and being disrespectful in language. You were sentenced to a bad conduct discharge (BCD), confinement, and forfeiture of pay. On 10 October 1979, the Naval Clemency and Parole Board denied your request for clemency. On 11 February 1980, you began a second period of UA. On 19 February 1980, the U.S. Navy Court of Military Review concluded that your findings and sentence were correct in law and fact. On 18 June 1980, the SPCM convening authority ordered the execution of a BCD characterization of service. On 25 July 1983, you were arrested by civil authorities and charged with two instances of aggravated assault. On 30 November 1983, you were 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 contention that your discharge characterization of service was changed from other than honorable to a general. 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 and SPCMs, 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,

2/4/2022

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Executive Director

Signed by: █