

for two (2) specification of failing to go to your appointed place of duty, failing to obey a lawful order of your superior commissioned officer, and two (2) specifications of failing to obey a lawful order. On 17 April 1990, you received additional administrative remarks again retaining you in the USN but documenting you were counseled regarding driving while under the influence and again warning you that further discrepancies may result in disciplinary actions and in the processing for administrative separation. On 12 June 1990, as a result of your continued misconduct, you were found guilty at a summary court-martial (SCM) of six (6) specifications of failing to obey an order or regulation, wearing a faddish haircut, and driving a privately owned vehicle without a driver's license. You were sentenced to confinement for 10 days, to forfeit \$480.00 pay per month for one (1) month, and to be reduced to E-1.

On 22 June 1990, you were subsequently notified of your pending administrative separation due to pattern of misconduct (POM) and commission of a serious offense (COSO), at which time, you elected your right to an administrative discharge board, to submit matters on your own behalf, to obtain copies of documents that would be forwarded to the Chief of Naval Personnel (CNP), and you objected to being separated. On 17 July 1990, you submitted a new election of rights electing your right to consult with counsel, to again obtain copies of documents that would be forwarded to CNP; however, you waived all of your other rights and no longer objected to being separated. Further, you were notified of the commanding officer's (CO) intent to recommend to the separation authority that you be discharged with an other than honorable (OTH) characterization of service. On 19 July 1990, the separation authority directed your discharge by reason of POM and on 3 August 1990, you were discharged with an OTH.

You contend you were very young and had little guidance when you enlisted. You add being away from home was difficult as you experienced culture shock since your only exposure to black and white races involved both races staying in "their areas." You admit to getting into trouble and having problems during your enlistment. 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 contentions noted above. Additionally, the Board noted you did submit a statement and character letters for clemency consideration but you did not provide post-service documents for review. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and SCM, outweighed these mitigating factors. 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, _____

12/23/2021

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Executive Director

Signed by: █