



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

■  
Docket No: 6874-21

Ref: Signature Date



Dear Petitioner:

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 the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 20 December 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, and 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 26 September 1974. On 28 April 1975, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty, being disrespectful in language toward a petty officer, being derelict in the performance of your duties, and threatening a petty officer. On 24 November 1975, you received nonjudicial punishment for being absent from your appointed place of duty and failing to obey an order. On 16 January 1976, you received nonjudicial punishment for a period of unauthorized absence of 13 hours, willfully damaging an office logbook, and disobeying a lawful order. On 16 January 1976, you received a formal written warning concerning your frequent involvement of a discreditable nature with military authorities. Despite this warning, on 21 January 1976, you received nonjudicial punishment for being absent from your appointed place of duty and failing to obey a lawful order. On 27 January 1976, you were notified of the initiation of administrative separation processing and your rights in connection therewith. You exercised your right to an administrative discharge board. However, subsequently, on 29 January 1976, you agreed to

waive your right to an administrative discharge board in exchange for your commanding officer recommending that you be discharged with a general (under honorable conditions) discharge characterization. On 29 January 1976, your commanding officer recommended that you be discharged with a general (under honorable conditions) discharge due to unfitness due to frequent involvement of a discreditable nature with military authorities. On 9 February 1976, the discharge authority directed that you be discharged with a general (under honorable conditions) characterization of service, and on 13 February 1976, you were so discharged.

The Board carefully considered all potentially mitigating factors in your petition to determine whether the interests of justice warrant relief in your case including in accordance with the Wilkie Memo. You contend in your petition that your general (under honorable conditions) prevents you from exercising certain benefits, such as with USAA.

Based upon its review, the Board concluded the potentially mitigating factors that you raised were insufficient to warrant relief. The Board noted that, with respect to your contention, that USAA is a private organization, and the Board does not make any determination with respect to eligibility for such private organizations. Further, upon review of the entirety of your service record, the Board did not find any error or injustice in your discharge characterization, in light of your repeated misconduct, despite you receiving a written warning concerning the consequences of such repeated misconduct. In light of your overall service record, 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,

12/25/2021

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Executive Director

Signed by: █