



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

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Docket No: 6878-21
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.

A three-member panel of the Board, sitting in executive session, considered your application on 21 March 2022. 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 Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). In addition, the Board considered the advisory opinion (AO) furnished by a qualified mental health professional dated 14 January 2022, which was previously provided to you. You were given 30 days in which to submit a response, and when you did not provide a response, your case was submitted to the Board for consideration

You enlisted in the Navy and began a period of active duty on 10 July 1984. On 13 and 14 December 1984, you were briefed on your command's policy concerning drug and alcohol prevention, and unauthorized absence. On 12 February 1985, you received nonjudicial punishment (NJP) for participating in a breach of the peace by engaging in a fight, and assault and battery. On 14 February 1985, you were informed you were being retained in the Naval service. You were counseled concerning your NJP, and warned that further misconduct could result in administrative discharge action. During the period from 25 February 1985 to 12 December 1986, you received six NJPs for 19 specifications of failing to restriction and extra duty musters, two days of unauthorized absence, drunk and disorderly conduct, going from your appointed place of duty, two specifications of disrespect, and dereliction of duty. On

16 December 1986, you were notified of administrative discharge action by reason of misconduct due to a pattern of misconduct and misconduct due to a commission of a serious offense. After you were afforded your procedural rights, you elected to waive your right to have your case heard before an administrative discharge board. On 7 January 1987, a medical evaluation was conducted and determined you were not dependent on drugs or alcohol. On 14 January 1987, your case was forwarded to the separation authority recommending you receive an other than honorable (OTH) discharge. On 21 January 1987, the separation authority directed that you receive an OTH discharge due to a pattern of misconduct. On 30 January 1987, you were discharged from the Navy with an OTH characterization of service.

A qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO regarding your assertion that you was suffering from a mental health condition during your service. The AO noted that based on the available evidence, there is insufficient evidence that you incurred a mental health condition during military service and to attribute your misconduct to a mental health condition incurred during military 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 assertions that you were racially harassed while serving which resulted in your discharge. 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 misconduct that resulted in seven NJPs, six of which occurred after you were warned of the consequences of further misconduct, outweighed these mitigating factors. In reviewing your record of misconduct, the Board concluded you showed a complete disregard for military authority and regulations. The Board also concurred with the AO that based on the available evidence, there is insufficient evidence that your misconduct could be attributed to an unfitting mental health condition. 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 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,

3/24/2022

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Executive Director

Signed by █