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

[redacted]
Docket No: 6911-21
Ref: Signature Date

[redacted]

Dear [redacted]

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted 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 10 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 this 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 and entered a period of active duty in the Navy on 8 March 1985. On 9 January 1986 you received nonjudicial punishment (NJP) for an unauthorized absence (UA) in violation of Article 86, Uniform Code of Military Justice (UCMJ). You received a second NJP on 2 July 1986 for two specifications of UA and for disobeying a lawful order in violation of Articles 86 and 92, UCMJ. On 28 October 1986 you received a third NJP for wrongful cocaine use, UA, and dereliction of duty in violation of Articles 112a, 86, and 92, UCMJ. On 21 January 1987 you received a fourth NJP for eight specifications of UA and failure to obey an order or regulation in violation of Articles 86 and 92. Your final NJP occurred on 3 June 1987 for two specifications of UA, insubordinate conduct toward a senior chief petty officer, and dereliction of duty in violation of Articles 86, 91, and 92, UCMJ. After notification of administrative separation processing, you waived your procedural rights and were discharged on 21 August 1987 with an other than honorable (OTH) characterization of service.

You contend you suffered from race-based taunting and disparate treatment that started during initial training and became significantly worse during your time in [redacted]. You state you underwent an emergency appendectomy, had several feet of intestine removed, and that after this

experience you lacked the resiliency to effectively cope with the treatment you received. You further state you went AWOL for approximately 30 days, turned yourself in, and were discharged with an OTH.

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, post-service accomplishments, and desire to upgrade your discharge. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that there was insufficient support for your contentions, and that your misconduct, as evidenced by your five NJPs, 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 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,

1/11/2022

[redacted]

Executive Director
Signed by: [redacted]