



**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: 7009-21  
5284-11  
Ref: Signature Date



Dear Petitioner:

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 15 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 25 July 1990. During the period from 4 April 1991 to 11 October 1991, you received four instances of non-judicial punishment (NJP). Your offenses were unauthorized absence on two occasions, assault, disorderly conduct and incapacitation for the performance of duty. On 21 October 1991, you were diagnosed by a medical physician as alcohol dependent. On or about February 1992, you participated and completed Level III Treatment. On 1 October 1992, you received your fifth NJP for unauthorized absence and failure to obey a lawful order.

On 2 October 1992, you were notified that you were being recommended for administrative discharge from the Navy. You were advised of, and exercised your procedural right, to consult with military counsel and subsequently waived your right to present your case to an administrative discharge board (ADB). Your commanding officer (CO) then forwarded your administrative separation package to the separation authority (SA) recommending administrative discharge from the Navy with an other than honorable (OTH) characterization of service. The SA approved the CO's recommendation and directed your OTH discharge by reason of misconduct due to pattern of misconduct. On 5 December 1992, you were so discharged.

In reviewing your separation and characterization of service, the Board considered the totality of the circumstances to determine whether relief is appropriate today in the interests of justice in accordance with guidance provided by the Wilkie Memo. Accordingly, the Board carefully considered all potentially mitigating factors, such as your desire to upgrade your discharge character of service, change your reenlistment code and submission of supporting documentation. The Board also considered your statement that you enlisted into the Navy when you were twenty years old, trying to escape your "meaningless life" and your struggle with alcohol. After joining the Navy, your challenges with alcohol grew; when you were sober you was a great Sailor. You further state that since your discharge, you have accomplished much in life. However, your greatest accomplishment is that you have been sober for more than 28 years, and you have a clean civilian record.

The Board commends you for your sobriety and post service accomplishments; however, based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by five NJPs, outweighed these mitigating factors. Additionally, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service. 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

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Executive Director  
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