



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

■  
Docket No: 7205-21  
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.

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 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 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 11 March 1987. On 16 March 1987, you commenced a period of unauthorized absence (UA) that subsequently concluded upon your return to military authorities on 28 March 1987, totaling 12 days. On 30 March 1987, you again commenced a period of UA that subsequently concluded upon your return to military authorities on 10 May 1987, totaling 41 days. On 2 June 1987, you submitted a written request for separation in lieu of trial by court-martial for the foregoing periods of UA. Prior to submitting this request, you conferred with a military lawyer, at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. As part of this discharge request, you admitted your guilt to the foregoing offenses and acknowledged that your characterization of service upon discharge would be other than honorable (OTH). Your request was granted, and your commanding officer was directed to discharge you with an OTH characterization of service. As a result, you were spared the stigma

of a court-martial conviction, as well as the potential penalties of a punitive discharge. You were discharged on 22 June 1987.

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 submission of supporting documentation and your desire to upgrade your discharge character of service. The Board also considered your contentions that: (1) due to your short period of service, you were unjustly characterized with an OTH character of service; and (2) you were a very young man who definitely made a bad mistake in not following through with your commitment that was made; (3) your wife at the time had just informed you that she was pregnant and you were not clearly thinking; (4) since your discharge, you have had a productive career and life serving others; and (5) you are currently a police chief with years of service, the OTH discharge has followed you like a dark cloud and it is an embarrassment to your life. The Board considered the post-service accomplishments you provided in your statement but noted you did not provide supporting documents further detailing your post-service accomplishments and your advocacy letters were not within the present time.

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 your subsequent separation at your request to avoid trial by court-martial for two periods of UA totaling 53 days, 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,

12/25/2021

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Executive Director

Signed by: █