



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

█  
Docket No: 7312-21  
Ref: Signature Date

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Dear █:

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 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 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 U.S. Navy and began a period of active duty on 26 September 1972. On 31 July 1973, you received your first nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status. You were counselled multiple times from 01 September 1973 to 27 September 1974, due to your lower performance marks as a result of poor: military performance, military behavior, appearance, adaptability, lack of military interest, having little initiative, and your need for constant and complete supervision. This was followed by a second NJP on 8 August 1974 for two (2) specifications of UA and failure to obey a lawful order. A few weeks later, on 29 August 1974, you received a third NJP for missing movement. On 17 September 1974, you were notified of your Commanding Officer's (CO) intent to process you for administrative separation by reason of Convenience of the Government (COG) for being a burden to the command. On 24 September 1974, you received a fourth and final NJP for two (2) specifications of UA totaling nine (9) days and for failing to obey a lawful order. On 15 October 1974, you were discharged with a general (under honorable conditions) characterization of

service. Your application to the Naval Discharge Review Board (NDRB) dated 18 February 1979, captures your request for an upgrade of your discharge in light of your assertions that you have more of a right to an honorable discharge than persons with dishonorable or undesirable discharges and/or Presidential pardons received as a result of deserting during the Vietnam War. You further contended at the time you accepted your discharge as a result of not being fully aware of its consequences.

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 and additional contentions that: (1) you enlisted to be a Seabee and expected to take part in the war efforts in █ (2) you were exposed to mundane and repetitive work, which diminished your enthusiasm; (3) upon returning from a deployment to █, conditions at your unit had not changed and you were informed you would soon be deployed to █; and (4) prior to deploying you and approximately 20 fellow SeaBees were offered early honorable discharges, which you accepted and now regret. The Board viewed your allegations with serious concern. However, this Board is not an investigating agency nor does it have the resources to investigate unsubstantiated allegations. Additionally, the Board noted you did not submit advocacy letters or post-service documents to be considered for clemency purposes. 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 four (4) 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 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,

1/13/2022

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Executive Director

Signed by: █