



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

■
Docket No: 7355-21
Ref: Signature Date



Dear ■

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 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).

You enlisted in the Navy and began a period of active duty on 14 February 1974. On 3 September 1974, you commenced a period of unauthorized absence (UA). During this period of your UA, on 18 September 1974 and 23 September 1974, you missed ship's movement. Subsequently, your period of UA concluded upon your return to military authorities on 1 October 1974. On 23 October 1974, you received non-judicial punishment (NJP) for unauthorized absence and missing ship's movement. The Board noted you commenced an additional period of UA from 13 November 1974 to 20 November 1974.

On 21 November 1974, you were notified that you were being considered for administrative discharge from the Navy by reason of unsuitability. You acknowledged that you understood that if your discharge was approved, it would be either an honorable or general (under honorable conditions) characterization of service as warranted by your service record. Additionally, you desired not to make a statement concerning the notification of the recommended administrative

discharge. Subsequently, the separation authority directed your administrative discharge from the Navy with a general (under honorable conditions) characterization of service by reason of unsuitability. On 27 November 1974, you were so discharged.

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 desire to upgrade your discharge character of service and submission of supporting documentation. The Board also considered your contentions that: (a) you received your discharge because you took bad advice from your fellow shipmates when you were denied a change in your job aboard your ship; and (b) you have been a model citizen since that time, providing for your family, and volunteering for a non-profit organization.

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 period of unauthorized absence and multiple instances of missing ship's movement that concluded with your NJP, 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

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Executive Director

Signed by: █