



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: 7618-21

Ref: Signature Date

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Dear Petitioner:

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 the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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).

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 23 June 1978. On 16 February 1979, you were received for duty at BUD/S school, █. On 15 March 1979, you received nonjudicial punishment for a four-day period of unauthorized absence. You were transferred to the fleet, and on 7 October 1979, you received nonjudicial punishment for unauthorized absence. On 4 March 1980, you received nonjudicial punishment for a five-day period of unauthorized absence and for disobeying the order of a petty officer on three occasions. On 18 April 1980, you were convicted by a special court-martial for a period of unauthorized absence from 15 October 1979 to 25 January 1980. On 5 May 1980, you received nonjudicial

punishment for failing to obey an order of a superior. On 8 July 1980, you commenced a period of unauthorized absence, which ended by your surrender to naval authorities on 13 July 1980. You received nonjudicial punishment for this period of unauthorized absence on 13 July 1980. On 24 July 80, you were issued a formal written warning concerning the consequences your further misconduct. On 25 September 1980, you received another formal written warning concerning your misconduct. On 25 September 1980, the Petitioner was notified of the initiation of administrative separation processing and his rights in connection therewith. You consulted with counsel, and waived your right to an administrative board. On 31 October 1980, and again on 12 July 1980, you received you received nonjudicial punishment for a six hour period of unauthorized absence and a one day period of unauthorized absence. Finally, on 13 February 1981, you received nonjudicial punishment for failing to obey an order. On 15 April 1981, your commanding officer recommended that you be discharged with an other than honorable characterization of service. In his message transmitting your discharge package, your commanding officer explained that when you transferred to his ship, you were provided a "clean slate," and you continued to flaunt authority and you were a negative influence on junior personnel. On 22 April 1981, the discharge authority directed that you be discharged with an other than honorable characterization of service, and on 6 May 1981 you were so discharged.

The Board carefully considered all potentially mitigating factors in your petition to determine whether the interests of justice warrant relief in your case including in accordance with the Wilkie Memo. You contend in your petition that you are an outstanding citizen and wish to upgrade your discharge.

Based upon its review, the Board concluded the potentially mitigating factors that you raised were insufficient to warrant relief. The Board noted that, with respect to your contention that you are an upstanding citizen, you did not include any evidence in support for the Board to consider. Upon review of the entirety of your petition and your service record, the Board did not find any error or injustice in your discharge characterization, in light of your repeated misconduct, despite you receiving a written warning concerning the consequences of such repeated misconduct. In light of your overall service record, 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, _____

1/21/2022

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Executive Director

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