



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: 7819-21
Ref: Signature Date



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 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 24 January 2022. 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, 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 16 May 1980. On 22 September 1980, you began a period of unauthorized absent (UA) which lasted 261 days. On 22 October 1981, you received nonjudicial punishment (NJP) for two periods of being absent from restricted muster. On 10 July 1981, you began a second period of UA which lasted 78 days. On 19 November 1981, you received a second NJP for disobedience of a direct order from a petty officer, and dereliction of duty. On 23 March 1982, you were convicted by special court martial (SPCM) for two periods of UA. You were sentenced to a bad conduct discharge (BCD), confinement at hard labor, and forfeiture of pay. On 20 January 1983, you were discharged with a BCD characterization of service as a result of your SPCM conviction.

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 contention that you were selected to be part of the drill

team during boot camp. Your contention that you wanted to report to the command that there were too many drugs aboard the ship. Your contention that you asked to be transferred to another ship, or master of arms school as a result of the drug issues aboard the ship. Your contention that you have worked in three different prisons as a licensed drug and alcohol counselor. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your repeated misconduct, as evidenced by your NJPs and SPCM conviction, outweighed these mitigating factors. The Board noted you submit the following documents to be considered: one character letter of support, a copy of your employment resume, two letters from the healthcare private sector, a copy of your Associates degree, four certificates of course completion, a copy of your High School diploma, a State of █ Department of State Health Services certification, copies of your driver's license and social security card, and email correspondence from your superiors commending your work performance. 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,

2/4/2022

