



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: 7941-21
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 you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 31 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 this 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 Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and 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.

In March 1985, during your enlistment processing you disclosed prior involvement in multiple incidents to include speeding, driving while intoxicated, and crossing a centerline while driving. A local waiver was granted and you were allowed to enlist.

You enlisted in the U.S. Navy and began a period of active duty on 27 March 1985. On 17 September 1985, you received your first nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status from your appointed place of duty. On 13 February 1986, you received a second NJP for another period of UA lasting three (3) days. You received a third NJP on 23 August 1986 for two (2) specifications of UA totaling 22 days and for willfully disobeying a Chief Petty Officer. Less than one (1) month later you received a fourth NJP for three specifications of failing to make prescribed musters while on restriction. Consequently, you were notified of pending administrative processing for discharge due to a commission of a serious offense (COSO) as evidenced by the aforementioned disciplinary infractions with a recommendation for an other than honorable (OTH) characterization of service. On 9 January 1987, the discharge authority approved your discharge and, on 15 January 1987, 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 contentions that there were several factors which contributed to your physical and mental issues while enlisted. You also contend your attempts to solve these issues resulted in you being mocked by your supervisors who threatened to assign you to the worst jobs if you complained. Further, you assert there were former violent gang members in your berthing who bragged of attacking civilians off base and threatened you to keep quiet about it. 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 provide a statement or advocacy letters to be considered for clemency purposes. Further, the Board found no evidence to support your assertions of mental health issues while on active duty. 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 your unsubstantiated assertions. 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,

2/15/2022

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Executive Director

Signed by: █