



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: 0002-22

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 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 14 February 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 29 September 1960. On 29 May 1961, you were convicted by special court martial (SPCM) for drunk and disorderly conduct while on board ship. You were sentenced to restrictions for 60 days, and forfeiture of pay. On 3 September 1961, you began a period of unauthorized absence (UA) which lasted 15 hours and 15 minutes. On 6 September 1961, you were convicted by summary court martial (SCM) for a period of UA. You were sentenced to 60 days of restriction and reduced to the rank of E-1. On 17 December 1961, you received nonjudicial punishment (NJP) for disrespect towards a petty officer and disobedience of a lawful order. On 1 June 1962, you received a second NJP for fighting in the streets. On 5 July 1962, you were convicted by a SCM for illegal possession of alcoholic beverages and creating a disturbance while on board ship. You were sentenced to reduction to the rank of E-1, confinement, and forfeiture of pay. On 18 July 1962, you were transferred to inactive duty as a result of failure to adapt to a military way of life. Your record documents that you were considered a burden to the command and the Navy due to repeated

minor infractions and lack of motivation towards further advancement. On 2 August 1962, you were discharged from active duty with an honorable discharge characterization of service by reason of released from active duty. On 31 August 1962, you were transferred to the Naval Reserves. On 11 October 1966, you discharged from the Naval Reserves with a general (GEN) discharge characterization of service by reason of end of required time in service.

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 served honorably throughout your entire term of service and were unable to understand the meaning of receiving a GEN discharge. You also contend that you were denied USAA insurance coverage as a result of your GEN discharge. 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, SCM, and SPCM, outweighed these mitigating factors. In reviewing your record, the Board found that your record of misconduct was substantial despite your brief time on active duty. In spite of your history of misconduct, you were assigned an Honorable characterization of service upon your release from active duty on 2 August 1962. Therefore, the Board found no reason to further mitigate your GEN characterization assigned upon your release from the Navy Reserve. Finally, in making this finding, the Board noted you did not submit any documentation or advocacy letters to be considered. 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,

3/2/2022

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Executive Director

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