



**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: 0238-22

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 21 March 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).

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 26 May 1982. On 13 August 1982, you were identified as an illegal drugs or marijuana user, at which point, you were granted a waiver to remain in service. You were advised that further involvement with drugs will result in administrative separation. On 30 December 1982, you began a period of unauthorized absence (UA) which lasted 2 hours and 35 minutes. On 19 January 1983, you began a second period of UA which lasted 16 days. On 7 February 1983, you began a third period of UA which lasted eight days, 23 hours, and 55 minutes. On 24 February 1983, you received nonjudicial punishment (NJP) for three periods of UA, and disobeying a lawful order from a superior officer. On the

same date, you were counseled for your previous UA offenses, disobeying a lawful order, and establishing a pattern of misconduct due to frequent involvement. You were advised that failure to take corrective action could result in administrative separation. On 4 August 1983, you began a fourth period of UA which lasted 102 days, 20 hours, 19 minutes, and resulted in your apprehension by civil authorities. On 17 November 1983, you began a fifth period of UA which lasted four days and 18 hours.

On 9 February 1984, you received a second NJP for two periods of UA, and destruction of government property. On 17 February 1984, you began a sixth period of UA which lasted three days, 8 hours, and 45 minutes. On 29 February 1984, you began a seventh period of UA which lasted seven days, and 40 minutes. On 9 March 1984, you received a third NJP for two periods of UA, failure to obey a lawful order, and breaking restrictions. On 15 March 1984, you began an eighth period of UA which lasted eight days and resulted in your apprehension by military authorities. On 4 May 1984, you were convicted by summary court martial (SCM) for two instances of failure to report to appointed place of duty, one period of UA, and breaking restrictions. You were sentenced to reduction to the rank of E-1 and confinement at hard labor. On 13 May 1984, you began a ninth period of UA which lasted 23 hours and 40 minutes. On 17 May 1984, you received a fourth NJP for a period of UA. From 21 May 1984 to 19 September 1984, you had four periods of UA totaling 81 days, 16 hours, and 7 minutes. On 20 September 1984, 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 6 September 1985, the discharge authority ordered the execution of your BCD. On 19 September 1985, you were discharged with a BCD characterization of service by reason of conviction by (SPCM).

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 young and utterly ignorant while serving in the Navy. Your contention that you were recognized for volunteering to find unexploded ordinance, that you exceeded expectations when given a task by your superiors, that you enlisted in the Navy with the hopes of doing something bigger than yourself, that you are now the owner of your own corporation and like to spend time training other people, and that you have been married for over 22 years and have a █ on the dean's list at █. 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 multiple NJPs, SCM, and SPCM, outweighed these mitigating factors. In making this finding, the Board concluded that your conduct showed a complete disregard of military authority and regulations. This led the Board to conclude that your conduct was a significant departure from that expected of a Sailor and merits the BCD you were assigned. The Board also noted you did not submit any post-discharge 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,

3/31/2022

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Executive Director

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