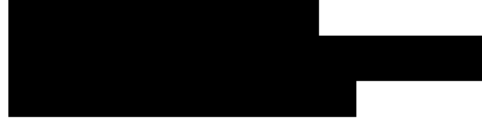




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No: 0391-22
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 26 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, 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).

You enlisted in the Navy and began a period of active service on 20 August 2002. On 28 August 2002, you were assigned the primary code Primary code-DG9760—Electrical mechanical equipment repairman. On 13 September 2003, you received non-judicial punishment (NJP) for unauthorized absence (UA), and missing ships movement. On 9 February 2005, you received your second NJP for wrongful use of marijuana. On the same day, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse, at which point, you waived your right to consult with counsel, and your right of review of your case by an administrative discharge board (ADB). On 15 February 2005, your commanding officer recommended your discharge with an other than honorable (OTH) character of service by reason of misconduct due to drug abuse. Your commanding officer noted in his recommendation that you were dropped from "A" school. On 16 February 2005, the discharge authority concurred with your commanding officer's recommendation and directed your discharge. On 18 February 2005, 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 desire to upgrade your character of service, your request for liberal consideration from the Board in support of your request due to undiagnosed service connected disabilities, and your contention that you never worked with “mechanical/electrical equipment repairmen.” Concerning your primary specialty listed on your Certificate of Release or Discharge from Active Duty (DD Form 214), the Board found no error or injustice in the record. Therefore, the Board determined your request for adjustment to your primary specialty does not warrant relief. With regard to your request to upgrade your character of service, the Board carefully weighed all potentially mitigating factors including all supporting evidence submitted with your application. The Board commends your post-service conduct. Notwithstanding, after careful consideration of your contentions, the Board determined there was insufficient evidence to support upgrading your characterization of service based on your repeated misconduct, which resulted in two NJPs. 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,

2/10/2022

[REDACTED]

Executive Director

[REDACTED]