



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: 0473-22

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 23 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 18 May 1992. On 18 September 1992, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty. On 15 July 1993, you received a second NJP for insubordinate conduct towards a warrant officer and a petty officer. On 17 July 1993, you were counseled for disrespectful behavior towards a warrant officer and a petty officer. You were advised that failure to take corrective action could result in administrative separation. On 23 January 1994, you began a period of unauthorized absence (UA) which lasted one day. On 14 February 1994, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct, at which point, you elected to waive all your procedural rights. On 16 February 1994, you received a third NJP for failure to obey an order or regulation, and two instances of UA from appointed place of duty. On 25 February 1994, your commanding officer recommended an other than honorable (OTH) discharge characterization of service by reason of misconduct due to pattern of misconduct. On 15 March 1994, the discharge authority approved and ordered an OTH

discharge by reason of misconduct due to pattern of misconduct. On 21 March 1994, you were 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 contention that you have grown and have learned from your mistakes. 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 counseling, outweighed these mitigating factors. Despite your remorse and desire for an upgrade, the Board concluded your history of misconduct was too serious to be offset by this mitigating evidence. 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,

3/7/2022

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Executive Director

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