



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

█  
Docket No: 0576-22

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 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 28 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).

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 Naval Reserves and began a period of active duty on 3 March 1969. On 22 June 1969, you were honorably discharged from the Naval Reserves. On 23 June 1969, you began a second period of active duty service. On 14 July 1971, you received nonjudicial punishment (NJP) for carrying a knife exceeding the 3-inch length requirement, and unlawfully receiving a stolen Rotex Tape Machine belong to the U.S. Government. On 3 November 1972, you received a second NJP for attempting to wrongfully introduce a dangerous drug while onboard of the █. On 14 November 1972, you received a third NJP for attempting to wrongfully introduce a dangerous drug into U.S. Naval Station, █.



█ On 3 January 1973, you received an assigned special evaluation with performance marks of 2.0 in military behavior, 2.8 for military appearance, and 2.6 in adaptability for the following reasons: receiving NJP in two occasions, ignoring the chain of command in several occasions, immaturity, poor military appearance, dissatisfaction with the Navy. From a period beginning on 9 January 1973 to 9 February 1973, you received NJP in three occasions for the following offenses: two instances of sleeping while on duty, and unauthorized absence (UA) from appointed place of duty. On 27 February 1973, you were convicted by summary court martial (SCM) for breaking restriction and a period of UA from appointed place of duty. You were sentenced to restrictions for 45 days and forfeiture of pay. On 3 April 1973, you accepted a general (GEN) discharge characterization of service by reason of early separation under an authorized program. On 10 April 1973, 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 the Driver's License Bureau will not accept your Armed Forces of the United States Report of Transfer or Discharge (DD Form 214) with a GEN discharge characterization of service, that your Vietnam service was excluded from your DD Form 214, and that your squadron commanding officer, who presided over your SCM, elected not to forward all your service records prior to your discharge. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that seriousness of your misconduct, as evidenced by your NJPs and SCM, outweighed these mitigating factors. In making this finding, the Board considered that you were found guilty of two drug related offenses. Further, the Board noted your records do not reflect any evidence, and you did not provide any, to support your claim that you served in Vietnam. While the Board noted your witness statements and that you served onboard USS Jouett during a western Pacific deployment, the Board concluded the preponderance of the evidence did not show you actually served in Vietnam. 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,

3/21/2022

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Executive Director  
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