



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

█  
Docket No: 0731-22  
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 4 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, 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 14 July 1983. You were counseled on 24 October 1983 regarding your poor military performance, and notified further deficiencies may result in the initiation of administrative separation proceedings. On 3 November 1983, you received non-judicial punishment (NJP) for intent to defraud by unlawfully obtaining long distance services-value of about \$2,500. Consequently, you were counseled regarding your receipt of NJP and notified further deficiencies may result in the initiation of administrative separation proceedings. You were again counseled on 30 July 1984 for performance issues and notified further deficiencies may result in the initiation of administrative separation proceedings. On 7 December 1984, you received NJP regarding your dereliction in the performance of your duties by sleeping on watch. On the same day, you were counseled regarding your receipt of NJP and notified further deficiencies may result in the initiation of administrative separation proceedings. On 25 July 1985, you received NJP for wrongful use of cocaine. On 9 September 1985, you received NJP for unauthorized absence

(UA). On the same day, you were counseled regarding your drug abuse and notified further deficiencies may result in the initiation of administrative separation proceedings. On 16 September 1985, you were counseled regarding your UA, and notified further deficiencies may result in the initiation of administrative separation proceedings. On 18 March 1986, you received NJP for disrespect toward a petty officer. On 3 April 1986, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse, misconduct due to the commission of a serious offense, and misconduct due to the pattern of misconduct. On 9 April 1986, you elected your right to consult with counsel, and review of your case by an administrative discharge board (ADB). On 10 April 1986, you received NJP for failure to go to your appointed place of duty, failure to obey a lawful order, and being disrespectful in language toward a petty officer. On 11 April 1986, you received NJP for waste, destruction or spoilage of non-military property. On 6 June 1986, an ADB convened and determined you committed misconduct due to pattern of misconduct, and recommended your separation from naval service with a general character of service. On 22 June 1986, your commanding officer concurred with the recommendation of the ADB. On 28 August 1986, you were discharged in absentia with a general of service by reason of misconduct due to pattern of misconduct.

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 to honorable. You contend you were harassed by your chain of command due to your application to naval academy. You further contend you were denied legal counsel during your NJP processing. You contend you are a good standing member of the VFW with no criminal record. The Board commends your post-service conduct. Notwithstanding, the Board determined you failed to provide evidence to support your contentions and your post service conduct. Further, the Board found no connection between your drug related misconduct and your contention of harassment by your chain of command. Therefore, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined the severity of your repeated misconduct, which resulted in seven NJPs, was not offset by the mitigation evidence you presented. In reviewing your record, the Board found that your record of misconduct documented a disregard for military regulations and authority. As a result, they concluded that your discharge was appropriate based on the seriousness and pattern of your misconduct. 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,

2/23/2022

[REDACTED]  
Executive Director  
[REDACTED]