



administrative separated. On 17 December 1980, you received a third NJP for failing to report to your appointed place of duty, disrespect towards your superior petty officer, and dereliction of duty. On 2 February 1981, you received a fourth NJP for breaking restriction and false official statement.

Unfortunately, the documents related to your administrative separation are not in your official military personnel file (OMPF). In this regard, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary (as is the case at present), will presume that they have properly discharged their official duties.

The Board carefully reviewed your application and 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 discharge and your contentions that, (1) you were unfairly prosecuted because you refused to vote in the 1980 elections, (2) for 45 days you were given two hours of extra duty and restricted to the ship before deciding to make a deal, (3) the deal entailed you were allowed to remain on active duty but had to complete two years of reserve duty and one year as an inactive reservist which would result in you receiving an honorable discharge, and (4) you were unaware of your other than honorable (OTH) characterization of service until you requested a copy of your Certificate of Release or Discharge from Active duty (DD 214). 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 four NJPs, outweighed these mitigating factors. In reviewing your record, the Board was not persuaded by your assertions of unfair prosecution or a deal promising an upgraded characterization of service. The Board noted your record of misconduct included multiple serious offenses that qualified for punitive discharges under the Uniform Code of Military Justice. Further, the Board noted that your conduct showed a complete disregard for military authority and regulations. 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,

3/29/2022

█

Executive Director

Signed by: █