



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

█  
Docket No: 0884-22

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 14 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 12 December 1979. On 24 March 1980, you were in an unauthorized absence (UA) status of approximately lasted 30 minutes. On 9 April 1980, you received nonjudicial punishment (NJP) for a period of UA, improper wearing of uniform, and fraternization. On 10 April 1981, you received a second NJP for being absent from your appointed place of duty, failure to obey a lawful order, damaging and destroying military property, and assault. On 18 May 1981, you received a third NJP for being absent from your unit, violation of a lawful general regulation, unauthorized pass offense, and possession of stolen property. On 9 December 1981, you received a fourth NJP for breach of peace. On 1 April 1982, you received a fifth NJP for being drunk on duty, and assault upon a petty officer. On 28 May 1982, you began a second period of UA which lasted nine days. On 17 June 1982, you received a sixth NJP for a period of UA, and disobeying a lawful order. On 21 June 1982, your commanding officer (CO) recommended an other than honorable (OTH) discharge characterization of service by reason of misconduct due to frequent involvement. On 22 June

1982, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to frequent involvement, at which point, you elected to waive all your procedural rights. On 2 August 1982, you received a seventh NJP for willful disobedience of a superior commissioned officer, and for using provoking words or gestures. On 3 August 1982, the discharge authority approved and ordered an OTH discharge by reason of misconduct due to being a burden to the command and your inability to adapt to military service. On 5 August 1982, 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 contentions that: (a) you were involved in two physical altercations that were not triggered by you, nor were any serious injuries; (b) your CO was overly strict in his punishment; and (c) an OTH discharge was unwarranted for the offenses committed. 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, outweighed these mitigating factors. 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,

3/2/2022

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Executive Director  
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