



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 contentions that, (1) you served three (3) months in pre-trial confinement and an additional six (6) months as a result of your SCM conviction, (2) your health is failing and you are in need of medical benefits, and (3) time has elapsed since your discharge and you would like your discharge upgraded. 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 noted above. The Board further noted, aside from your application, you did not submit advocacy letters or post-service accomplishments to be considered for clemency purposes. Additionally, characterization of service is based in part on conduct marks assigned on a periodic basis. Your conduct average was 1.0. At the time of your service, a conduct average of 4.0 was required for a fully honorable characterization of service. 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 two NJPs, SCM, and your failure to attain the required average in conduct, outweighed these mitigating factors. 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

Signed by: █