



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

██████████  
Docket No: 1312-22  
Ref: Signature Date

██████████  
██████████  
██████████  
██████████

Dear ██████████:

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 23 March 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 entered active duty with the Navy on 31 August 1979. During the period from 27 September 1981 to 24 September 1982, you received three non-judicial punishments (NJP) for three specifications of unauthorized absence (UA). As a result of low evaluations, on 1 October 1982, you were released from active duty, received a General (under honorable conditions) characterization of service and transferred to the Navy Reserve.

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 discharge, contentions your discharge should be upgraded due to the permissible time allowed with no criminal record and your ability to use federal benefits.

The Board noted that there is no provision in law or regulations that allows for re-characterization of a discharge automatically due solely to the passage of time. The Board also noted while commendable, your post service conduct does not excuse your conduct while in the Navy or the basis for your discharge.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your poor record of active duty service, as evidenced by your three NJPs, low evaluations, and final marks at discharge, outweighed these mitigating factors. As a result, when considering your active duty record, the Board concluded that the preponderance of the evidence supports a finding that the negative aspects of your active duty service outweighed the positive aspects and warrants the assignment of a General (under honorable conditions) characterization of service. In making this finding, the Board noted that you did not submit any advocacy letters in support of your application. 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,

3/31/2022



Executive Director

Signed by:

