



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

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Docket No: 2279-22  
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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel of the Board, sitting in executive session on 11 April 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 Kurta Memo, and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

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 and contentions that it has been over 20 years and you feel enough time has passed in order for you to be able to receive some benefits due to your service in the Navy. In addition, you argue that you received one honorable discharge and reenlisted after three years of service.

The Board noted your prior honorable service from 6 November 1981 through 13 December 1984 for which you were issued a Certificate of Release from Active Duty (DD Form) 214 with an honorable characterization of service prior to reenlisting on 14 December 1984. The Board further noted, aside from the decision letter from your previously heard case of 29 March 2007, you did not submit advocacy letters or post-service accomplishments to be considered for

clemency purposes. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your conviction by a general court-martial (GCM) of two specifications of committing indecent acts on a female under the age of 16, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded it constituted a significant departure from that expected of a sailor. Consequently, the Board determined that your Bad Conduct Discharge remains appropriate. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board felt it worth pointing out that you may qualify for Department of Veterans Affairs (VA) health benefits based on your first enlistment period that resulted in an Honorable discharge. You should contact your nearest VA office to determine your eligibility for benefits.

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,

5/1/2022

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Executive Director  
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