



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. Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were separated from the Navy, on 22 January 1999, with an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to commission of a serious offense and issued a RE-4 reentry code. You previously applied to the Naval Discharge Review Board and were denied relief on 29 January 2009.

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 request for a change of your discharge characterization of service and reentry code so that you may reenter service. You also contend that you were not given a fair chance to fight your administrative separation while on active duty. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments but included an advocacy letter from your sister.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the negative impact it likely had on the good order and discipline of your command. Additionally, the Board noted that you were counseled regarding misconduct and provided an opportunity to correct your behavior. As a result, the Board concluded your conduct constituted a significant departure from that expected of a Sailor and continues to warrant an OTH characterization and a RE-4 code. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service, changing your reentry code, or granting clemency in your case. 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,

6/10/2022

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