

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 contention that your characterization of service has prevented you from joining organizations and getting certain jobs. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or advocacy letters.

The Board noted that whether or not you are eligible for employment or membership to an organization is a matter under the cognizance of the agency or organization, and you should contact the nearest office of that agency or organization concerning your right to apply for employment or membership. If you have been denied employment or membership, you should appeal that denial under procedures established by the agency or organization.

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 and GCM conviction, outweighed the mitigating evidence in your case. Specifically, the Board considered the seriousness of your misconduct and determined it showed a complete disregard for military authority and regulations. As a result, the Board concluded that your conduct was a significant departure from that expected from a Sailor and continues to warrant a BCD. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded characterization of service. 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,

6/13/2022

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Executive Director

Signed by: █