



administrative board, your discharge under Other Than Honorable (OTH) conditions was approved on 16 November 1996. You were discharged on 18 November 1996.

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, you desire for a discharge upgrade and contentions that, although you were irresponsible and immature at the time of your in-service misconduct, you have learned from your mistake in the years since your discharge and are currently working on your undergraduate degree with hopes of completing a graduate degree as you seek to better your family's life. For purposes of clemency consideration, the Board noted you submitted a post-discharge certificate documenting completion of an entry-level 10-hour Occupational Safety course as well as various transcripts but no advocacy letters.

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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct that included multiple incidents of disrespect toward senior personnel. This led the Board to conclude your conduct showed a complete disregard for military authority and regulations. Further, in addition to your record of misconduct, the Board noted your extremely poor work performance during your period of naval service. 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. While the Board commended your post-discharge accomplishments and noted your prior military service, 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 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 is attached 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,

8/5/2022

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