



12 June 1992, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense, at which point, you exercised your right to an administrative discharge board (ADB). On 28 June 1992, you began a fourth period of UA which lasted 15 days. On 17 November 1992, the ABD voted (3) to (0) that you committed misconduct due to commission of a serious offense and recommended you be separated with an Other Than Honorable (OTH) discharge characterization of service. On 7 December 1992, your commanding officer concurred with the ADB recommendation. On 3 January 1993, the separation authority approved the recommendation and ordered an OTH discharge characterization by reason of misconduct due to commission of a serious offense. On 5 February 1993, you were so discharged.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) to upgrade your characterization of service. On 12 August 2004, the NDRB denied your request after concluding your discharge was proper as issued.

On 3 August 2005, this Board denied your initial application for a discharge characterization upgrade. Subsequently, you reapplied to the NDRB and were again denied relief on 4 October 2006.

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 for a discharge upgrade and contention that your discharge characterization was malicious and should be Honorable. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your SPCM and multiple UAs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative impact it had on the good order and discipline of your unit. The Board also noted that there is no provision of federal law or in Navy/Marine Corps regulations that allows for a discharge to be automatically upgraded after a specified number of months or years. Additionally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. Finally, the Board noted that you provided no evidence to substantiate your contentions that you were maliciously awarded an OTH. 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. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or granting an upgraded characterization of service as a matter of clemency or equity. 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,

12/13/2022

