



instances of failure to maintain sufficient funds. On 23 September 2006, the discharge authority approved and ordered an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to commission of a serious offense. On 13 October 2006, you were discharged.

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 contentions that your Certificate of Release or Discharge from Active Duty (DD Form 214) does not reflect your periods of Honorable service, awards entitlements, and your previous deployment in support of combat operations. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or 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 and the likely negative impact it had on the good order and discipline of your unit. Additionally, the Board determined that your conduct showed a complete disregard for military authority and regulations. 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. 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.

Regarding your request for an administrative correction to your DD Form 214 to reflect missing awards and combat deployment, the Board noted that you have not yet exhausted all your administrative remedies. You must first request a correction from Navy Personnel Command, 5720 Integrity Drive, Millington, TN 38055-3120. Further, the Board noted that your continuous honorable active service from 7 May 1990 through 19 April 1994 is documented in Box 18 of your DD Form 214. Therefore, the Board took no action on these three issues.

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,

10/11/2022

