



reason of unfitness due to frequent involvement. On 1 January 1971, you began a third period of UA which lasted six-days. On 8 January 1971, your CO changed his recommendation in your case to a General (Under Honorable Conditions) discharge characterization by reason of unfitness due to frequent involvement. On 14 January 1971, you were convicted by SCM for the previous period of UA. You were sentenced to reduction to the rank of E-1, confinement at hard labor, and forfeiture of pay. On 1 February 1971, you decided to waive your procedural rights. On 12 February 1971, the separation authority approved and ordered a General (Under Honorable Conditions) discharge characterization by reason of unfitness due to frequent involvement. On 19 February 1971, you were so discharged.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your application, on 22 March 1972, after determining your discharge was proper as issued.

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 you were informed that your discharge would automatically upgrade six months following your discharge. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

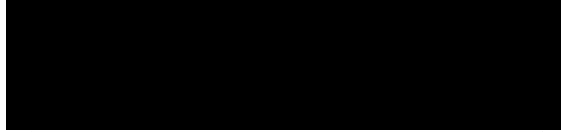
After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and SCMs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative impact it had on the good order and discipline of your unit. In reviewing your record, the Board noted the multiple chances your command provided you prior to commencing administrative separation processing. Of particular note, the Board considered that you were originally recommended for an Honorable characterization of service before committing additional misconduct that resulted in another SCM. These factors led the Board to conclude you already received a large measure of clemency from the Navy prior to your discharge. Further, contrary to your assertion that you were discharged for an underaged enlistment, the Board concluded you were discharged for extensive misconduct. Finally, the Board 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. As a result, the Board concluded significant negative aspects of your active duty service outweighed the positive aspects and continues to warrant a General (Under Honorable Conditions) 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,

12/29/2022



Executive Director

Signed by: █