



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

██████████  
Docket No. 9183-22  
Ref: Signature Date

████████████████████  
██████████████████  
████████████████████

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 17 February 2023. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active service on 26 February 1975. Between 13 June 1975 through 21 December 1976, you received NJP on three occasions for the following charges: failure to obey a lawful order, missing movement, and two specifications of unauthorized absence (UA). During the aforementioned period, on 31 July 1976, you were assigned the mark of 2.6 in professional performance, military behavior, and military appearance. Subsequently, you were convicted at a summary court martial on 17 August 1977 for UA. You then received NJP, on 7 July 1978, for disrespect toward a superior petty officer, and failure to obey a lawful order. On 5 November 1978, you received your fifth NJP for two

specifications of UA from your appointed place of duty, disrespect to a superior petty officer, failure to obey a lawful order, breach of peace, provoking speeches and gestures, and drunk in public. On 27 April 1979, you were discharged with a General (Under Honorable Conditions) (GEN) character of service and released from active duty. Your final trait average for your enlistment was 2.93.

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 characterization of service and to add the Navy E ribbon. You contend that you believe the omission of your sea service and awards were a factor in the determination of character of service, you were immature during your service, you have stopped drinking for over 35 years, and your positive post-service conduct, which includes obtaining your GED and professional licenses and certificates in the plumbing field, merit relief. For purposes of clemency and equity consideration, the Board noted you provided supporting documentation describing post-service accomplishments but no 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, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. Further, the Board considered the seriousness of your repeated misconduct and the likely negative impact it had on the good order and discipline of your unit. Finally, the Board noted that you received a final trait average of 2.93 based on your history of misconduct. As a result, the Board found that significant negative aspects of your active service outweighed the positive aspects and continue to merit a GEN characterization of service. While the Board commends your post-discharge accomplishments and sobriety, 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 granting you the relief you requested or granting relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

In regard to your request for awards, the Board determined you have not exhausted all administrative remedies prior to your appeal to this agency. Please forward your request to the Navy Department Board of Decorations and Medals (NDBDM), 720 Kennon Street SE, Suite 309, Washington Navy Yard, DC 20374, for adjudication.

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,

3/2/2023

[REDACTED]

Executive Director

[REDACTED]