



confinement, forfeiture of pay, and reduction in rank. On 10 January 1967 and 6 March 1967, you received two additional NJPs. On 8 March 1967, your commanding officer informed you that you were not recommended for reenlistment due to your conduct during your enlistment. On 14 May 1967, at the expiration of your active obligated service, you were issued an Armed Forces of the United States Report or Transfer of Discharge (DD Form 214) that annotated your characterization of service as General (Under Honorable Conditions). Your final conduct average was 3.7.

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 discharge character of service and contentions that your command told you that you “did not have enough points to qualify for an Honorable discharge” and you were physically assaulted while you were in confinement. 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 your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your seven NJPs and SPCM conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct, and concluded it showed a complete disregard for military authority and regulations. Further, the Board noted that your conduct scores were insufficient to qualify for a fully Honorable characterization of service. At the time of service, a conduct mark average of 4.0 was required to be considered for a fully Honorable characterization of service; a minimum mark you failed to achieve due to your extensive record of misconduct. The Board thus concluded you were responsible for your misconduct that formed the basis for your General (Under Honorable Conditions) characterization of service. The Board also noted, despite your record of misconduct, you were given opportunities to correct your behavior and allowed to continue to the end of your obligated service rather than face administrative separation with the potential for an Other Than Honorable discharge. Therefore, the Board determined you already received a large measure of clemency. As a result, the Board determined significant negative aspects of your active service outweighed the positive aspects and continues to warrant a General (Under Honorable Conditions) characterization. While the Board carefully considered the evidence you submitted in mitigation, 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 your request does not merit relief.

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,

5/1/2023

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Executive Director

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