



Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request, on 1 May 2018, 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: (1) your desire to upgrade your characterization of service, (2) your complete service record, (3) your argument that you were unjustly discharged with a reduced discharge characterization mere days from the end of your service contract, and (4) your assertion that you were struggling with personal life stressors at the time, to include the deaths of family members. For purposes of clemency and consideration, the Board noted that you provided advocacy letters and documentation of post-service accomplishments.

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 three NJPs, outweighed these mitigating factors. In making this finding, the Board considered your repeated misconduct and its negative impact on mission accomplishment. Further, the Board also considered the likely negative impact your conduct had on the good order and discipline of your command, and the Board determined that your misconduct was contrary to Navy core values and policy. Finally, although you had almost completed your service contract, the Board determined your command had the authority to process you administrative separation due to your pattern of misconduct. As you had less than six years of service, and the command was pursuing a GEN discharge, you were not entitled to present your case at an administrative separation board. The Board ultimately determined the separation authority did not abuse their discretion by concurring with your command and assigning a GEN characterization of service. As a result, the Board concluded that significant negative aspects in your record continue to make a GEN characterization appropriate in your case.

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. 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. 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 that 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,

4/18/2023

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Executive Director

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