



On 2 August 1990, you began a second period of UA which lasted eight-days and resulted in your third NJP on 10 August 1990. On 21 August 1990, you began a third period of UA which lasted eight-days. On 6 September 1990, you received a fourth NJP for a period of UA and breaking restrictions. On 8 November 1990, you received a fifth NJP for the following offense: three periods of UA from appointed place of duty, disobeying a lawful order from a superior officer, insubordinate in conduct towards a petty officer, and dereliction of duty. On the same date, your previously suspended NJP punishment was vacated.

Subsequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct and commission of a serious offense, at which point, you requested to have a hearing by an Administrative Discharge Board (ADB). On 18 December 1990, the ADB voted (3) to (0) that you committed misconduct and recommended a General (Under Honorable Conditions) characterization of service. On 21 December 1990, your commanding officer (CO) concurred with the ADB findings and recommendation.

On 9 January 1991, you began another period of unauthorized absence (UA) which lasted eight-days and resulted on your sixth NJP on 17 January 1991. On the same date, you were re-notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct and commission of a serious offense. Subsequently, you decided to waive your procedural rights. On 25 January 1991, your CO recommended an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to pattern of misconduct and misconduct due to commission of a serious offense. On 21 February 1991, the separation authority approved and ordered an OTH discharge characterization by reason of misconduct due to pattern of misconduct. On 5 March 1991, you were so 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: (a) you completed a period of Honorable service and there were mitigating circumstances to your downfall during your second enlistment, (b) your marriage took a turn for the worse and your wife left and took your son with her, (c) you could not handle the flood of emotions and decided to use alcohol to cope with the situation, and (d) you got a job with the █ in █ and was able to retired after serving for 22 years. For purposes of clemency and equity consideration, the Board noted you did provided an advocacy letter describing post-service accomplishments.

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 likely negative impact it had on the good order and discipline of your unit. Finally, the Board considered that you were given multiple opportunities to modify your conduct but chose to continue your pattern of misconduct. As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH 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 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,

5/18/2023

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Executive Director

Signed by: █