



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

█
Docket No. 2631-23
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 reconsideration application on 9 June 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).

You originally enlisted in the U.S. Navy and entered active duty on 19 August 1982. Your enlistment physical examination, on 29 December 1981, and self-reported medical history both noted no neurologic or psychiatric conditions or symptoms.

While still in your initial training pipeline at Service School Command, █, your command issued you a "Page 13" counseling sheet (Page 13) documenting an adverse performance evaluation. The Page 13 noted that you received a mark of 2.0 (out of 4.0) in "military behavior" because you needed to be counseled about military bearing, sleeping in class, a negative attitude, and being argumentative. The Page 13 also documented a mark of 2.8 in "adaptability" due to your being argumentative and negative in your relations with your seniors and peers.

On 28 December 1982, you reported for duty on board the ██████████ (██████████) in ██████████, ██████████. On 14 February 1983, you underwent a psychiatric evaluation at Naval Hospital, ██████████. The Staff Psychologist-Medical Officer (MO) noted that you initially reported: (a) you were not able to cope with being on a ship, (b) being depressed since "A" school given that you were separated from your girlfriend, (c) being afraid when your ship is out of sight of land, and (d) getting very uncomfortable in closed spaces. The MO noted that you appeared ambivalent regarding the Navy at best, and determined that you had very severe difficulties with the Navy's rules, regulations, and discipline. The MO concluded that there was no evidence of any thought disorder and that if you were slightly older the MO would have diagnosed you with a personality disorder. The MO formally determined you were psychiatrically fit and suitable for full duty, but concluded that you were a poor risk for even marginal service adjustment given that you bordered on a personality disorder diagnosis. The MO strongly recommend your administrative separation through the "Project Upgrade" initiative.

Following your medical evaluation you were notified of administrative separation proceedings by reason of unsatisfactory performance. Ultimately, on 1 April 1983, you were separated from the Navy for unsatisfactory performance with a General (Under Honorable Conditions) (GEN) discharge characterization and assigned an RE-4 reentry code.

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 change your narrative reason for separation. You contend that: (a) you were the victim of abusive events on active duty, (b) the day after you reported Sailors for drinking and smoking marijuana your roommates assaulted you and harassed you daily, (c) you were deemed a snitch and a troublemaker, (d) you were pranked and harassed on a daily basis, (e) following a strenuous work task you were not allowed to see the doctor for treatment for your pain, and (f) you did everything you were expected to do and never had any disciplinary issues while in boot camp and your initial pipeline training. The Board noted for clemency and equity consideration you submitted a personal statement.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board did not believe that your record was otherwise so meritorious to deserve an upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your brief military record. The Board determined that the record clearly reflected your overall performance was unsatisfactory and indicated you were unfit for further service. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions. The Board also noted that there was no evidence in your medical records of you making any complaints regarding harassment, hazing, physical abuse/assault, or reprisal actions taken.

The Board observed that character of military service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your

overall active duty trait average calculated from your available performance evaluations during your enlistment was 2.50 in conduct. Navy regulations in place at the time of your discharge recommended a minimum trait average of 3.0 in conduct (proper military behavior), for a fully Honorable characterization of service. The Board concluded that your conduct marks on active duty were a direct result of your less than stellar performance, and that such marks further justified your GEN characterization.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and the Board concluded that your unsatisfactory performance and inability to adjust to the demands of military service clearly merited your discharge. 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. 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,

6/14/2023

