



On 12 November 1987, you received a fourth NJP for driving aboard base while driving privileges were revoked or suspended.

On 12 July 1988, you received a fifth NJP for again driving aboard base while driving privileges were suspended. On 13 July 1988, the suspended portion from your previous NJP was vacated. On 26 July 1988, you received a sixth NJP for being UA from your appointed place of duty. As a result, on 24 August 1988, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct. On 25 August 1988, you decided to waive your procedural rights. On the same date, you commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to pattern of misconduct. On 14 September 1988, your administrative separation proceedings were determined to be sufficient in law and fact. On the same date, the separation authority approved and ordered an OTH discharge characterization by reason of misconduct due to pattern of misconduct. On 14 October 1988, you were so discharged.

On 78 August 2013, this Board denied your request for a discharge characterization upgrade.

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 were 18 to 21 years of age at the time you served, (b) the rights available to you were not sufficiently explained during your separation proceedings, and (c) you have lived a life worthy of an honorable discharge. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or 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 the likely negative impact it had on the good order and discipline of your unit. Further, contrary to your contention, the Board noted you were properly informed of your procedural rights during your administrative separation processing and waived them based on your initials and signature on the rights acknowledgement form. 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. 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 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,

6/7/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]