



14 August 1974, you received a fourth NJP for UA and missing ship's movement. The record shows on 27 August 1974, you commenced another period of UA that subsequently concluded upon your return to military authorities on 24 October 1974, a period totaling 57 days. On 31 October 1974, you received a fifth NJP for the forgoing period of UA and missing ship's movement.

The record further shows, on 17 December 1974, you commenced a period of UA that subsequently concluded upon your surrender to military authorities on 2 March 1975, a period totaling 75 days. On 3 April 1975, you commenced a period of UA that subsequently concluded upon your apprehension by civilian authorities and return to military authorities on 11 April 1975, a period totaling 8 days. On 28 April 1975, you commenced a period of UA that subsequently concluded upon your surrender to military authorities 23 October 1975, a period totaling 175 days.

On 22 January 1976, you submitted a written request for separation for the good of the service (GOS) in lieu of trial by court-martial for the forgoing periods of UA, totaling 258 days, missing ship's movement and additional charges of desertion, failure to go at the time to your appointed place of duty, failure to obey a lawful order, and two specifications of wrongfully communicating a threat. Prior to submitting this request, you conferred with a military lawyer at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. As part of this discharge request, you admitted your guilt to the foregoing offenses and acknowledged that your characterization of service upon discharge would be Other Than Honorable (OTH) conditions. The separation authority approved your request and directed your commanding officer to discharge you with an OTH characterization of service. On 20 February 1976, you were discharged from the Navy with an OTH characterization of service by reason of good of the service.

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 change your discharge character of service and contention that your discharge should have been "Honorable," you suffered from problems with the ability to reason due to being told continuously that your ship would be bombed, the Navy did not try to see why an ideal Sailor would just turn noncompliant or why your conduct became destructive to yourself, over the years of this behavior you received no help, and after doing research you came to realize that this started while you were onboard ship. Additionally, the Board noted you checked the "PTSD" and "Other Mental Health" box on your application but chose not to respond to the 26 July 2023 letter from the Board requesting evidence in support of your claim. 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 your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs, multiple periods of UA, and GOS request, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it showed a complete disregard of military authority and regulations. The Board also noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was

substantial and, more likely than not, would have resulted in a punitive discharge and extensive punishment at a court-martial. Therefore, the Board determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial; thereby sparing you the stigma of a court-martial conviction and likely punitive discharge. Finally, the Board noted that you did not provide any evidence, other than your statement, to substantiate your contentions. 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 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,

10/13/2023

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Executive Director

Signed by: █