



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

■  
Docket No. 8901-23  
Ref: Signature Date

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Dear ■

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 submitted within the statute of limitations, the Board found it in the interest of justice to review your request. A three-member panel of the Board, sitting in executive session, considered your application on 6 November 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 this 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 enlisted in the United States Navy and commenced a period of active duty on 27 September 1972. On 27 September 1973, you received non-judicial punishment (NJP) for violation of Uniform Code of Military Justice (UCMJ) Article 86, for two specifications of unauthorized absence (UA) from your appointed place of duty. On 12 October 1973, you received your second NJP for violating UCMJ Article 86, for UA from five restricted musters, and Article 92, for orders violation by possessing marijuana. On 8 March 1974, you received your third NJP for violating UCMJ Article 86, for four specifications of UA totaling 39 days (with one of the periods of UA over 30 days). You did not appeal any of these NJPs.

On 14 March 1974, you were notified that you were being processed for an administrative discharge by reason of "Frequent Involvement of a Discreditable Nature w/ Military Authorities" with a General (Under Honorable Conditions) (GEN) characterization of service. You waived your right to consult with qualified counsel and your right to submit written matters for consideration by the separation authority. On 21 March 1974, you were discharged from the Navy due to your misconduct with a GEN characterization of service and assigned a RE- 4 reentry code.

You previously submitted an application for review by the Naval Discharge Review Board and were denied relief on 10 March 1978.

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 discharge characterization, and (2) your contention that your employer's payroll office (NFC) will not process your military service deposit unless the character of service is Honorable vice GEN. For purposes of clemency and equity consideration, the Board noted that you did not provide advocacy letters or documentation related to 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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that it involved repeated periods of UA and a drug offense. Further, the Board also considered the likely negative impact your conduct had on the good order and discipline of your command. The Board determined that such misconduct is contrary to the Navy core values and policy, and places an unnecessary burden on fellow shipmates. A GEN characterization is appropriate when significant negative aspects of a Sailor's conduct outweighs the positive aspects. The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade.

Lastly, 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. The Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct clearly merited your receipt of a GEN characterization and no higher. 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,

11/21/2023

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Executive Director

Signed by: █