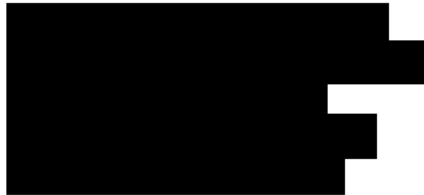




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No. 9452-23
6834-95
Ref: Signature Date



Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel of the Board, sitting in executive session on 29 January 2024. 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 were previously denied relief by this Board on 11 December 1996. The facts of your case remains substantially unchanged.

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 have your discharge upgraded to an Honorable characterization of service and to have your narrative reason for separation, separation code and reentry code changed. You contend: (1) your discharge was unjust, (2) your childhood was far from optimal, (3) you experienced difficulty in transitioning to the Navy and were immature, (4) during your court-martial you took responsibility for your actions and pleaded guilty, (5) post-separation you became a productive member of society, married your longtime girlfriend, and

celebrated your 60th wedding anniversary this year, (6) you were a member of the union until your retirement, (7) you are a member of your church and have volunteered over 50 years of grounds keeping, (8) you have helped serve the member of your community by volunteering for a food pantry, and (9) your most significant contribution in life are your three children and watching your grandchildren grow. For purposes of clemency and equity consideration, the Board considered the evidence you submitted in support of your application.

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 special court-martial convictions, nonjudicial punishments, summary court-martial conviction, and civilian convictions while in an unauthorized absence status, 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. Additionally, the Board considered the likely negative discrediting effect your civilian conviction had on the Navy and the negative effect your conduct likely had on the good order and discipline of your unit. Further, the Board weighed the relative brevity of your service against your extensive record of misconduct during that period. Finally, the Board did not note any extraordinary performance during your active duty service and found no evidence to support your contention that your discharge was unjust. As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant a Bad Conduct Discharge. While the Board carefully considered the evidence you submitted in mitigation and commends you for your post-discharge accomplishments, 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 is attached 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,

2/9/2024

