



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

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Docket No. 9662-23  
Ref: Signature Date

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Dear Petitioner:

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.

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 application on 5 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, 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 Navy and began a period of active duty on 7 May 1963. On 24 September 1964, you were disenrolled from the Nuclear Power Training Program as a result of academic failure. On 7 November 1964, you began a period of unauthorized absence (UA) which lasted two-days. On 9 November 1964, you began a second period of UA which lasted 5 hours and resulted in nonjudicial punishment (NJP) on 13 November 1964. On 9 May 1965, you began a third period of UA which lasted one-day and resulted in your second NJP on 26 May 1965. On 17 November 1965, you received a third NJP for an instance of assault. Between 20 June 1966 to 14 July 1966, you had two periods of UA totaling 59 days. On 4 August 1966, you were convicted by summary court martial (SCM) for a period of UA. You were found guilty and sentenced to reduction to the inferior grade of E-2, hard labor without confinement for a period of 30 days, and forfeiture of pay in the amount of \$50.00 for a period of one month. On 16 December 1966, you received a fourth NJP for failure to obey a lawful order. On 19 March 1967, you began a sixth period of UA which lasted 5 hours, 30 minutes and resulted on your fifth NJP on 21 March 1967. On 23 May 1967, you were discharged with a General (Under Honorable

Conditions) discharge characterization by reason of released from active duty and transferred to the Naval Reserves. On 3 June 1969, you were discharged from the Naval Reserves with an Honorable discharge characterization by reason of completion of required Naval Reserves obligation.

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) your discharge was due to your refusal to sign reenlistment documents, (b) you had already signed documents to extend your service based entry into the Nuclear Power School, (c) you agreed to extend your tour of duty for a period of two years based on the acceptance and completion of the school, (d) after six months at school, you learned it was a bad fit for you, (e) you feel this was retaliation for someone else's error. 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 and SCM, 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, the Board found that your conduct showed a complete disregard for military authority and regulations. Finally, the Board noted your overall trait average did not support the issuance of a fully Honorable characterization of service. As a result, the Board significant negative aspects of your service outweigh the positive aspects and continues to warrant a General (Under Honorable Conditions) 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,

1/19/2024

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