



seventh and final NJP for offenses under Articles 86 and 91 occurring on 11 April 1984. A recommendation for your discharge under Other Than Honorable (OTH) conditions was forwarded via naval message to Commander, Navy Military Personnel Command for review and approval. Ultimately, you were discharged on 30 April 1984 with an OTH.

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 upgrade your discharge and your contentions that you went UA for two weeks because you needed to see your girlfriend, after your SPCM conviction, you lost your clearance and suffered terrible treatment after being transferred to the Deck department, your separation was due to a period of purported downsizing during which you were asked if you “would like to get out,” and you agreed without understanding the consequences. For purposes of clemency and equity consideration, the Board noted you did not provide 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 SPCM, 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. The Board noted that your personal statement addresses only one of many periods of UA which you committed over the course of your military service. To the extent that your misconduct resulted in the revocation of your security clearance and reassignment to deck duty, the Board found it consistent with standard practice that your misconduct and apparent lack of reliability would result in either or both such outcomes. In spite of numerous attempts by your command to rehabilitate your behavior and afford you repeated second chances, you continued to absent yourself not simply for one two-week period to visit your girlfriend, but repeatedly. The Board found no merit in your assertion that downsizing resulted in an injustice with respect to your administrative separation given the extent of your record of misconduct. Further, in light of your having consulted qualified legal counsel prior to electing to waive your hearing before an administrative separation board, the Board was not convinced that you were not adequately informed of the consequences of that waiver. Finally, the Board noted you provided no evidence 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 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,

1/19/2024

