



in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

On 5 September 1985, you commenced a period of UA that ended on 8 September 1985. On 12 September 1985, you received NJP for the three-day UA and for being absent from your appointed place of duty.

On 23 October 1985, you commenced a period of UA that ended on 13 December 1985. You then commenced another period of UA, on 26 December 1985, during which time you missed ship's movement. That period of UA ended on 9 January 1986.

On 15 January 1986, you received NJP for two specifications of UA (fifty-one and fourteen days respectively) and for missing ship's movement. That same day, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to pattern of misconduct and misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board (ADB). The Separation Authority subsequently directed your discharge with an OTH characterization of service and you were so discharged on 24 January 1986.

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 characterization of service and your contentions that your Executive Officer (XO) had a grudge against you, your only infractions were UA, and an upgrade to Honorable is justified given your commitment to personal improvement and positive contributions you have made to your community. For purposes of clemency and equity consideration, the Board considered your personal statements and the advocacy letter you provided.

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 likely negative impact your repeated and extended periods of UA had on the good order and discipline of your command. The Board determined that unexpectedly absenting yourself from your command placed an undue burden on your chain of command and fellow service members, and likely negatively impacted mission accomplishment. The Board further considered that you were given multiple opportunities to address your conduct issues, but you continued to commit misconduct. Finally, the Board noted you provided no evidence, other than your personal statement, to substantiate your contention that your XO had a grudge against you.

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. While the Board carefully considered the evidence you submitted in mitigation and commends 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 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,

2/14/2024

