



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

█  
Docket No. 0224-24  
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 24 May 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 27 July 1973. Between 28 June 1974 to 8 April 1975, you received nonjudicial punishment in four occasions for sleeping on watch, unauthorized absence (UA) from appointed place of duty, failure to obey a lawful order, and larceny and sale of a tape recorder. Consequently, you were counseled concerning your repeated violations resulting in NJP proceedings. You were advised that failure to take corrective action could result in administrative separation.

On 18 June 1975, you received a fifth NJP for willfully disobeying a lawful order from a superior officer. On 18 July 1975, you received a sixth NJP for failure to obey a lawful order. Consequently, you were notified of the initiation of administrative separation proceedings by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. After you decided to waive your procedural rights, your commanding officer recommended a

General (Under Honorable Conditions) (GEN) discharge characterization of service. On 27 August 1975, you were so discharged.

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) you did everything the Navy asked you to do, (b) you served honorably and should have an Honorable discharge, (c) you were subjected to hazing and maltreatment, (d) you decided to stay in and served honorably despite of everything you went through while in service. Additionally, the Board noted you checked the "PTSD" box on your application but chose not to provide supporting evidence of your claim. 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, 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. Further, the Board noted that you were given multiple opportunities to correct your deficiencies but continued to commit misconduct. Lastly, the Board determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you with a GEN discharge characterization despite your extensive record of misconduct over a relatively brief period of service.

As a result, the Board concluded significant negative aspects of your service outweigh the positive aspects and continues to warrant a GEN 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,

6/14/2024

