



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

██████████
Docket No. 2337-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 June 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 enlisted in the U.S. Navy and entered active duty on 24 May 1982. On 1 September 1982, you were evaluated by medical and were considered psychologically dependent on alcohol and recommended for local counseling. On 2 September 1982, you received non-judicial punishment (NJP), for consuming alcohol while in the student room. On 6 May 1983, you were again evaluated and found alcohol dependent, abuser but not drug dependent nor drug abuser. You received your second NJP, on 23 June 1983, for altering your military identification card. On 11 July 1983, you were admitted to alcohol rehabilitation.

After another alcohol related incident over Veterans Day 1984, you were notified of administrative separation processing. The CO made his recommendation to the Separation Authority (SA) that you be discharged and be assigned an Other Than Honorable (OTH) characterization. The SA accepted the recommendation and directed you be discharged for

misconduct due to commission of a serious offense. You were so discharged on 21 February 1985.

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 you took the OTH due to two alcohol related offenses, drinking destroyed everything in your life until you finally quit in 1994, you have been married for 30 years, and you were experiencing personal family issues that contributed to your alcohol abuse. For purposes of clemency and equity consideration, the Board noted you provided a marriage certificate but no additional 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 considered you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct. Finally, the Board noted that you were provided alcohol rehabilitation treatment and your alcoholism was in remission in August 1983.

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, 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,

6/17/2024

