



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

█  
Docket No. 4666-24  
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 22 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, 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).

Your entered active duty with the Navy on 8 June 1973. On 12 July 1973, you were formerly counseled on not meeting the requirements for advancement in rate or rating. On 1 March 1975, you were assigned marks of 2.0 in Performance and Military Behavior and 2.8 in Military Appearance and Adaptability. On 3 March 1975, you received non-judicial punishment (NJP) for being in an unauthorized absence (UA) status for 10 days and missing ship's movement. On 28 March 1975, you received NJP for being in a UA status for two days, failure to go to appointed place of duty, and five specifications of disobeying a lawful order. On 24 April 1975, you received NJP for being in a UA status for two days and breaking restriction. On 25 April 1975, you were formerly counseled on any further misconduct of a discreditable nature might result in administrative separation. On 22 May 1975, you received NJP for being in a UA status for eight days. On 25 October 1975, you received NJP for being in a UA status for 13 hours and 45 minutes. Subsequently, you were notified of pending administrative separation action by reason of conveyance of the government (COG) due to substandard performance.

Unfortunately, not all documents pertinent to your separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Your Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that you were separated from the Navy on 31 October 1975 with a General (Under Honorable Conditions) (GEN) characterization of service, your narrative reason for separation is “COG Substandard Performance,” your separation code is “JHJ,” and your reenlistment code is “RE-4.”

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 an Honorable discharge and contention that you cannot receive veterans’ benefits from the state without an Honorable discharge. 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 the likely negative impact your conduct had on the good order and discipline of your command. Additionally, the Board considered that you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct. Further, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans’ benefits, or enhancing educational or employment opportunities. Finally, the Board noted you were already provided a large measure of clemency when your command chose not to pursue an Other Than Honorable characterization of service based on your multiple incidents of misconduct during a 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 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,

6/11/2024

