



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

██████████
Docket No. 4884-24
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 24 July 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 Navy and commenced active duty on 11 July 1957. On 8 August 1958, you received non-judicial punishment (NJP) for unauthorized absence (UA) from your ship, the ██████████, following your absence on 2-3 August 1958. On 30 September 1958, you received a second NJP for UA, following your absence on 22-27 September 1958. Between 4 November 1959 and 25 November 1959, you commenced two periods of UA. You were found guilty of UA at Special Court-Martial (SPCM) for this period of UA and sentenced to confinement at hard labor for two months, and forfeiture of \$65 pay per month for two months.

Following SCM, your official record includes some favorable administrative remarks such as, on 16 May 1960, it was noted the frequency of your offenses was lessening and it appeared you may yet become a good Sailor, and on 26 August 1960, it was noted your conduct had improved following confinement. Nonetheless, on 25 January 1961, you received a third NJP for a short-term UA.

You were again UA between 19-30 April 1961, and were again convicted of UA at SPCM. You were sentenced to confinement at hard labor for one month and reduction to paygrade E1. On 26 June 1961, you received a fourth NJP for another period of UA.

Unfortunately, the documents pertinent to your administrative 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. Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were separated on 26 June 1961 with an “General (Under Honorable Conditions) (GEN)” characterization of service, your narrative reason for separation is “Convenience of the Government,” and you were not recommended for reenlistment.

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 have your DD Form 214 updated to show your cruises and ports of call, including ██████████, and ██████████. 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 your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and SPCMs, outweighed these mitigating factors. In making this finding, the Board considered the likely negative impact your repeated misconduct had on the good order and discipline of your command. The Board also noted that you were given multiple opportunities to address your conduct issues but you continued to commit misconduct, which ultimately led to administrative discharge. The Board believed that considerable clemency was extended to you when you were separated for Convenience of the Government with a General characterization of service when your multiple and often lengthy UA’s could warrant administrative separation for misconduct with an unfavorable discharge, if not worse. As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member 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. Ultimately, the Board concluded you did not provide evidence in mitigation sufficient to overcome your misconduct and allow it to grant the relief you requested.

Regarding your request to have your DD Form 214 updated to show your cruises and ports of call, the Board determined this type of information is not authorized on DD Form 214’s. 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,

8/21/2024

