



characterization of service, your narrative reason for separation is “MILPERSMAN 3640420, SPSCMONO 94-150 DTD 94FEB24,” your reenlistment code is “RE-4,” and your separation code is “JDD-901,” which corresponds to SPCM conviction.

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 upgrade your discharge character of service and contentions that your first four years of service were Honorable, in your second enlistment you found yourself fighting with whom you felt that you were, you were not able to turn to the Navy, and so you decided to run from your responsibilities. You further contend that due to the policy of Don't Ask, Don't Tell, you were hiding yourself from others in fear and that fear broke you so the only thing that you felt you had to do was run. Additionally, the Board noted you checked the “Other Mental Health” box on your application but you chose not to respond to the Board's request to provide evidence in support of your claim. For purposes of clemency and equity consideration, the Board noted you provided a copy of your Certificate of Release or Discharge from Active Duty (DD Form 214) but no 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 your misconduct, as evidenced by your SPCM conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it showed a complete disregard of military authority and regulations. The Board also considered the negative impact your conduct likely had on the good order and discipline of your command. Further, the Board found that the record clearly reflected that your active-duty misconduct was intentional and willful. Furthermore, the Board also determined that the evidence of record did not demonstrate that you were not responsible for your conduct or that you should otherwise not be held accountable for your actions. Therefore, the Board concluded that the discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service, which was terminated by your BCD.

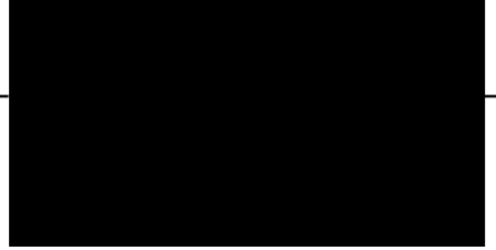
As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant a BCD. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting 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 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,

12/11/2024

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