



apathy and defective attitude. You waived your rights to consult counsel or submit a statement to the Separation Authority. The Separation Authority subsequently directed your discharge with a GEN characterization of service and you were so discharged on 28 July 1977.

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 your contentions that your misconduct was mitigated by a mental health condition. The Board noted you checked the "PTSD" "Other Mental Health" boxes on your application but chose not to respond to the 19 July 2024 letter from the Board requesting evidence in support of your claims. 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 SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your repeated misconduct and the likely negative impact your conduct had on the good order and discipline of your command. The Board also noted you provided no evidence, other than your personal statement, to substantiate your contentions. Finally, the Board noted that you were given multiple opportunities, over your fourteen months of service, to address your conduct issues but you continued to commit misconduct, which ultimately led to your discharge for unsuitability. Ultimately, the Board concluded you were fortunate to receive a GEN characterization of service based on your record of misconduct during a relatively brief period of active duty.

As a result, the Board concluded that significant negative aspects of your service outweighed 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,

10/24/2024

