



by a pattern of misconduct. You elected your right to speak with counsel and to appear at an administrative board. However, you subsequently requested an immediate discharge in order to expedite your discharge. The commanding officer forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Navy with a General (Under Honorable Conditions) (GEN) characterization of service. The separation authority approved the recommendation and, on 13 July 1977, you were so discharged.

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 for you and your family before you pass away. For purposes of clemency and equity consideration, the Board noted that you did not submit documentation in support of your application.

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 misconduct and found your misconduct showed a complete disregard for military authority and regulations. Further, the Board noted that you were provided opportunities to correct your conduct deficiencies during your service; however, you continued to commit misconduct that led to your GEN discharge. Your conduct not only showed a pattern of misconduct but was sufficiently serious to negatively affect the good order and discipline of your command. Ultimately, the Board concluded you were fortunate to receive a GEN characterization based on your extensive record of misconduct.

As a result, the Board determined 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 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,

12/10/2024

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Executive Director

Signed by: ■