



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

█  
Docket No. 8831-24  
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 6 November 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 entered active duty with the Navy on 17 November 1971. On 26 January 1972, you received a psychiatric evaluation that determined you had a history of underachievement, poor self-control, emotional liability, and poor tolerance that existed prior to enlistment (EPTE). The psychologist also noted that you lack the stability and maturity to function effectively in the Navy and recommended you for separation. On the same day, an Aptitude Board recommended you for a General (Under Honorable Conditions) (GEN) discharge due to a condition that EPTE. Consequently, you were notified of pending administrative separation action by reason of unsuitability. After waiving your rights, your commanding officer (CO) forwarded your package to the separation authority (SA) recommending your discharge with a GEN characterization of service. The SA approved the CO's recommendation, and, on 28 January 1972, 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 and contention that you were injured during training which prevented you from fulfilling your contract. 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 inability to complete training due to your characterological problems, outweighed these mitigating factors. In making this finding, the Board noted that there is no evidence in your record, and you submitted none, to support your contention that you were injured during training. The Board also noted that the record clearly shows that you received a psychiatric evaluation that determined you were suffering from a condition that EPTE. Therefore, the Board was not persuaded by your contention and determined you were appropriately processed for administrative separation due to your lack of aptitude.

As a result, the Board concluded significant negative aspects of your active service outweigh the positive aspects and continues to warrant a GEN characterization of service. 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,

11/26/2024

