



service and your contention that you were only in an unauthorized absence (UA) status one time, right after you returned from sailing in a tropical storm and learned you suffered from motion sickness. 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 non-judicial punishments (NJPs), outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative impact your conduct had on the good order and discipline of your command. The Board noted that you were processed for administrative separation based on both a pattern of misconduct for three NJPs and commission of a serious offense based on your longest, sixty-one-day, period of UA. The Board noted you received NJP for UA on three separate occasions (September 1994, December 1994, May 1995), in addition to a charge for assault at your first NJP and missing movement at your last NJP. The Board considered that you were given multiple opportunities to address your conduct issues, but you continued to commit misconduct; which ultimately led to your discharge. Finally, 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. The Board determined your statements were insufficient to overcome the presumption of regularity in your case.

As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH 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,

11/12/2024

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Executive Director

Signed by: ■