



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

Docket No. 11002-24
Ref: Signature Date

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 3 March 2025. 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy after disclosing pre-service alcohol treatment, marijuana use, and civil offenses including battery, disorderly conduct, and cannabis possession and commenced active duty on 17 Jul 1980.

On 5 January 1981, you were referred for an alcohol evaluation due to legal and disciplinary problems. You were diagnosed as alcohol dependent and scheduled for treatment on 19 January 1981. On 24 March 1981, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and/or conduct, specifically alcohol abuse. You were advised that any further deficiencies in your performance and/or conduct may result in

disciplinary action and in processing for administrative discharge. On 11 May 1981, you commenced a period of unauthorized absence (UA) that ended in your surrender on 19 May 1981. On 16 June 1981, you commenced a period of UA that ended in your surrender on 7 July 1981. On 31 July 1981, you commenced a seven-day period of UA that ended in your surrender on 7 August 1981. On 19 August 1981, you received non-judicial punishment (NJP) for the three periods of UA. On 24 October 1981, you self-referred to Alcohol Rehabilitation for a second period of alcohol treatment. On 28 October 1981, you were admitted in a resident status and discharged on 9 Dec 81.

On 21 January 1982, you commenced a period of UA that ended in your surrender on 28 January 1982. On 29 January 1982, you commenced a period of UA that ended in your surrender on 9 February 1982. On 12 February 1982, you received NJP for the two periods of UA. Additionally, you were issued Page 13 counseling and again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

On 27 February 1982, you commenced a period of UA, during which you were declared a deserter, that ended in your surrender on 7 April 1982. On 7 April 1982, you broke restriction and commenced a period of UA that ended in your surrender on 14 April 1982. On 23 April 1982, you were convicted at Summary Court Martial (SCM) of the two periods of UA.

Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to frequent involvement of a discreditable nature with civil or military authorities. On 3 May 1982, you requested immediate discharge in lieu of awaiting for final action. Subsequently, the separation authority approved your discharge with an OTH characterization of service and you were so discharged on 7 May 1982.

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 you were an alcoholic prior to service, received treatment at two Navy treatment centers, and have been sober since 22 March 1987. Additionally, the Board noted you checked the "PTSD" box on your application but chose not to respond to the 8 November 2024 letter from the Board requesting evidence in support of your claim. 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 SCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your

command. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. While the Board commends you for your sobriety, 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,

3/26/2025

