



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

██████████  
Docket No. 11206-24  
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 father's 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 26 February 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 entered active duty with the Navy on 13 April 1967. On 14 January 1969, you received non-judicial punishment (NJP) for unauthorized possession of alcohol. On 28 January 1970 and 3 February 1970, you received NJP for two specifications of unauthorized absence (UA) totaling 40 days and failure to obey a lawful written order. On 28 July 1970, a special court-martial (SPCM) convicted you of UA totaling 66 days. As a result, you were sentenced to confinement for 105 days, forfeiture of pay, reduction to E-1, and a Bad Conduct Discharge (BCD). After completion of all levels of review, you were so discharged on 24 December 1970. On

5 November 1975, you received a full pardon from President Gerald Ford in furtherance of Presidential Proclamation 4313.

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 contentions that you received a full pardon from President Ford, you went into a UA status in order to rescue your wife from your parents, you have been married for over 50 years, and you worked at the same company for 35 years. The Board noted that you checked the "PTSD" box on your application but did not respond to the Board's request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the Certificate of Pardon from President Ford and the statement you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and SPCM, outweighed the mitigating evidence in your case. In making this finding, the Board considered the seriousness of your misconduct and determined that it showed a complete disregard for military authority and regulations. Further, the Board felt that your record clearly reflected your willful misconduct and demonstrated you were unfit for further service. Additionally, the Board noted you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your punitive discharge. Your conduct was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. Finally, despite your contention that you went UA to rescue your wife, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions.

The Board also noted that your discharge was changed to a clemency discharge under an executive grant of conditional clemency in August 1975 and a certificate of completion of Reconciliation Service prescribed by Presidential Proclamation No. 4313 in September 1974. While the Board recognized the forgoing actions, they concluded that a recharacterization of your character of service was not warranted given your extensive periods of unauthorized absence during a time of war. Ultimately, the Board determined that you already received a large measure of clemency and any injustice in your record is already addressed by the clemency discharge you received.

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 your post-discharge good character and carefully considered the evidence you submitted in mitigation, 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. Ultimately, the Board concluded the mitigated evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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,

3/21/2025

