



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

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Docket No. 11424-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 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, 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 enlisted in the Navy Reserves on 18 August 1970. Between January 1971 and 30 June 1971, you missed six mandatory drills. Consequently, your commanding officer recommended that you be discharged with a General (Under Honorable Conditions) (GEN) characterization of service by reason of unsatisfactory performance. On 15 December 1971, you decided to waive your procedural rights. On 15 February 1971, the separation authority approved the recommendation by reason of unfitness. On 17 February 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 for a discharge upgrade and contentions that: (a) you had no issues in boot camp and were told by your superiors to go home and wait for orders prior to starting to drill as a reservist, (b) you never received orders of any kind and the only mail that you received was your GEN discharge, (c) you never changed your mailing address or did

anything wrong to receive a GEN discharge, (c) you had no discipline or medical issues during your Navy training, (d) you reported as instructed and were never told which unit you will be drilling with, (e) you proudly served as a police officer for 22 years and went through two police academies without any disciplinary or medical issues. For purposes of clemency and equity consideration, the Board noted you provide copies of your Discharge Certificate, Certification of Military Service, Record of Naval Service, Response to Request for Separation Documents, and your personal statement.

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 unsatisfactory participation in the Navy Reserves, 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. Additionally, the Board was not persuaded by your contentions based on documentary evidence that you attended a majority of your drills, were repeatedly warned of the consequences of your actions, had your parents notified of your behavior, and that you acknowledged the basis for your administrative separation. Therefore, the Board determined you were fortunate to receive a GEN characterization based on your poor performance and failure to participate.

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 carefully considered the evidence you provided 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 mitigation 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 the 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,

3/4/2025

