



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

██████████
Docket No. 12126-24
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 24 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, 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 and began a period of active duty on 29 May 1980. Prior to commencing active duty, you admitted preservice arrest/charges and drug abuse. Between 23 July 1980 and 30 October 1981, you received nonjudicial punishment (NJP) on three occasions for fraternization, making an unauthorized telephone call, wrongful possession of marijuana, and wrongful possession of hashish. Consequently, you were counseled concerning drug involvement and advised that failure to take corrective action could result in administrative separation.

On 13 December 1981, you were convicted by summary court martial (SCM) for 12 instances of unauthorized absence (UA) from restriction muster. You were sentenced to a period of restriction and forfeiture of pay. On 1 February 1982, you received a fourth NJP for 14 instances of UA from restriction muster. Consequently, you were counseled concerning misconduct and advised that continued misconduct may result in your being processed for an Other Than Honorable (OTH) discharge characterization by reason of frequent involvement. On 12 November 1982,

you were arrested by civil authorities for strong-armed robbery. On 9 March 1983, you were convicted by civil authorities of minor misdemeanor assault for the aforementioned civil arrest. You were sentenced to confinement for a period of 12 months; however, your sentence was suspended. On 10 March 1983, you were counseled concerning establishing a record of minor disciplinary infractions and a pattern of misconduct. You were advised that further misconduct may result in administrative separation.

Between 23 November 1983 and 6 December 1983, you received NJP on two more occasions for two instances of assault and seven instances of UA from restricted muster. You were again counseled concerning your previous NJP violations and advised that failure to take corrective action could result in administrative separation. On 30 January 1984, you were convicted by special court martial (SPCM) of willfully disobeying a commissioned officer and disrespectful in language towards an ensign. You were sentenced to Bad Conduct Discharge (BCD), reduction in rank, and confinement at hard labor. After completion of all levels of review, you were so discharged on 18 March 1985.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 7 August 1995, after determining your discharge was proper as issued.

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 contention that you are in need of your medical records to apply to the Department of Veterans Affairs. Additionally, you checked the "PTSD" and "Other Mental Health" boxes on your application but chose not to respond to the Board's request for supporting evidence of your claims. For purposes of clemency and equity consideration, the Board considered the totality of your application, which consisted solely of your petition without any other additional documentation.

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, SCM, and SPCM, 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 BCD. 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 did not submit any evidence, other than your statement, to substantiate your contentions. Therefore, 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.

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. 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. Regarding your request for your military records, the Board is not a records repository and does not possess the ability to provide copies of military records. The U.S. National Archives and Records Administration provides information for requesting your discharge records online. Please see <https://www.archives.gov/veterans/military-service-records> for additional information which you may find to be of assistance.

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,

4/8/2025

