



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

Docket No. 12517-24
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 5 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 United States Navy and began a period of active duty on 17 September 1968. On 29 May 1969, you received non-judicial punishment (NJP) for failure to obey a lawful order. On 6 June 1969, you received administrative counseling (Page 13) remarks that you were disqualified from the nuclear power training due to being physically unfit. On 20 June 1969, you received your second Page 13 for receiving marks of 2.6 in professional performance and adaptability and 2.0 in military behavior while in IC "A" School. On 9 September 1970, you received your second NJP for a two-day unauthorized absence. That same day, you received a Page 13 regarding your frequent involvement of a discreditable nature with military authorities.

On 14 July 1971, you received your third NJP for failure to obey a lawful order, unauthorized use of a government vehicle, and disrespectful language toward a superior petty officer. On 27 August 1971, you received your fourth NJP for two specifications of failure to obey a lawful order. On 15 September 1971, you received your fifth NJP for failure to obey a lawful order and insubordination. On 8 September 1972, you received a Page 13 not recommending you for reenlistment due to failure to meet minimum eligibility criteria for reenlistment. Consequently, you completed your enlistment on 8 September 1972 and received a General (Under Honorable Conditions) (GEN) discharge based on the type warranted by your service record.

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 character of service and contentions that: (1) you admit your conduct was not the required 3.0 for a full Honorable, (2) you do not think you should be classified in the same category as draft dodgers and drug abusers, (3) you did not do well adapting to a flagship, (4) you found yourself in a hostile environment and constantly at NJP onboard ■■■■■ for various infractions that would have been handled differently and less formally in Vietnam, (5) your conduct was due to excessive alcohol consumption brought on by PTSD and you were told by legal to claim PTSD to help with your infractions; but you felt it would negatively impact your future, (6) the unclaimed PTSD was the reason for not receiving a fully Honorable discharge, and (7) you volunteered for Vietnam and, after your discharge, served an additional 33 years as a federal employee receiving many accolades and awards. Additionally, the Board noted that you checked the "PTSD" box on your application but were unable to provide any supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the documentation you provided in support of your application.

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 counseling, 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 GEN 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. Based on your pattern of misconduct, you were assigned conduct traits that disqualified you from receiving an Honorable characterization of service. Finally, the Board noted you provided no 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. While the Board carefully considered the evidence you submitted in mitigation and commends you for your post-discharge accomplishments, 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 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,

4/1/2025

