



Docket No. 0072-25  
Ref: Signature Date

Dear |

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 12 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).

You enlisted in the United States Navy and began a period of active duty on 28 June 1979. On 20 July 1980, you began a period of unauthorized absence that ended with your surrender on 28 July 1980. On 8 February 1980, you received non-judicial punishment (NJP) for possession of marijuana onboard a vessel. On 14 April 1980, you received your second NJP for disobeying an order, false signature, and wrongfully possessing a false identification. On 31 July 1980, you received your third NJP for unauthorized absence. You were retained but counseled that continued misconduct may result in administrative separation processing. On 4 September 1980, you received your fourth NJP for disobeying a lawful order. On 13 April 1981, you were diagnosed as psychologically dependent on drugs. On 9 July 1981, you received your fifth NJP for unauthorized absence, disrespectful in language, failure to obey general regulation, use of provoking words, assault, and communicating a threat. On 18 January 1982, you received administrative remarks (Page 13) documenting for your refusal to cooperate in alcohol rehabilitation treatment and the fact you were recommended for administrative separation. That

same day, you began a period of unauthorized absence from Naval Region Medical Center that ended after eight hours. During your unauthorized absence, you failed to appear for your air evacuation flight to return to your ship. As a result, you were retained for disciplinary action and transferred to temporary duty on Naval Station, █. On 11 March 1982, you received your sixth NJP for failing to report to appointed place of duty and five specification of disrespect toward a petty officer. Consequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. You waived your right to consult with counsel and to present your case to an administrative discharge board. The commanding officer forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Navy with an Other Than Honorable (OTH) characterization of service. The separation authority accepted the recommendation and you were so discharged on 23 March 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 upgrade your discharge character of service and contentions that: (1) due to your immaturity and alcohol abuse, you were unable to control your actions while intoxicated, and (2) your health is not good, and Department of Veterans Affairs healthcare would help extremely. 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 your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and failure to participate in alcohol rehabilitation, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your misconduct 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, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

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 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,

4/9/2025

