



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

██████████
Docket No. 359-25
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 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 23 April 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 entered active duty with the Navy on 10 February 1955. On 4 June 1956, you received non-judicial punishment (NJP) for sleeping on watch. On 25 September 1956, you received NJP for absence from appointed place of duty. On 8 October 1986, you received NJP for dereliction in the performance of duty. On 22 October 1956, a special court-martial (SPCM) convicted you of two specifications of failure to obey a lawful order, dereliction in the performance of duties, and two specifications of disrespectful in language toward a superior petty officer. On 8 January 1958 and 2 February 1958, you received NJP for two specifications of unauthorized absence (UA) totaling 7 days, 1 hour and 10 minutes. On 4 April 1958, a summary court-martial (SCM) convicted you of two specifications of UA totaling three days. On 17 April 1958, you received your final additional NJP for being in a UA status for 25 minutes.

Consequently, you were notified of pending administrative separation action by reason of unfitness due to frequent involvement with military authorities. You elected to consult with legal counsel and requested an administrative discharge board (ADB). The ADB found that you committed misconduct due to frequent involvement with military authorities and recommended you be discharged with an Other Than Honorable (OTH) discharge. The separation authority

concurrent with the ADB and directed your discharge by reason of misconduct due to frequent involvement. On 9 May 1958, you were so discharged.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. On 7 August 1964, the NDRB denied your request after determining that 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 to upgrade your discharge and contentions that your executive officer (XO) said you would receive a hardship discharge, you signed a form the XO gave you without reading it, and it resulted in you receiving an OTH discharge. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

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. Further, 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, the Board noted that there is no evidence in your record, and you submitted none, to substantiate your contentions. In addition, the Board found your allegation against your XO to be illogical since you requested an ADB as part of your administrative separation processing. Therefore, the Board found that your record clearly reflected your misconduct, and the evidence of record did not show that you were not 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 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

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a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

5/2/2025

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