



[REDACTED]

[REDACTED]

[REDACTED]

On 22 February 1983, your command issued you a “Page 13” warning (Page 13) documenting

deficiencies in your attention to detail and following orders. The Page 13 advised you that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for an administrative discharge.

On 7 May 1983, you commenced another UA that terminated on 8 May 1983. On 25 May 1983, you received NJP for your 1-day UA. You did not appeal your third and final NJP.

Consequently, your command notified you of administrative separation proceedings by reason of misconduct due to a pattern of misconduct. You waived in writing your rights to consult with counsel, to submit written statements, and to request an administrative separation board. Your commanding officer recommended to the Separation Authority (SA) that you be separated for a pattern of misconduct with an under Other Than Honorable (OTH) discharge characterization. However, the SA approved and directed your separation for misconduct with a more favorable General (Under Honorable Conditions) (GEN) discharge. Ultimately, on 29 June 1983, you were so discharged and assigned an RE-4 reentry code.

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 changes to your reason for separation and reentry code. You contend that: (a) you were just a kid and didn't know responsibility and the only thing you did wrong was disobey an order from a petty officer to swab the deck in the rain while in port, (b) you realize now that it was your job to do as he says, but that person had a grudge against me, (c) post-service you have grown and earned your Ph.D. in Anthropology from ██████████, and (d) please don't let you be punished for something that you were not mature enough to know about. For purposes of clemency and equity consideration, the Board considered the totality of the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board determined that characterization under OTH conditions or GEN is generally warranted for misconduct and is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a Sailor. The simple fact remains is that you left the Navy while you were still contractually obligated to serve and you went into a UA status without any legal justification or excuse on three (3) separate occasions for a total of nine (9) days. The Board determined that the record clearly reflected your misconduct was intentional and willful and indicated you were unfit for further service. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions.

The Board determined that there was no impropriety or inequity in your discharge, and the Board concluded that your cumulative misconduct and disregard for good order and discipline clearly

merited your GEN discharge and no higher. While the Board carefully considered the evidence you submitted 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 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,

2/27/2025

