



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

██████████
Docket No. 892-25
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 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).

You entered active duty in the Navy on 25 February 1982. On 5 August 1982, you received non-judicial punishment (NJP) for having alcohol in the barracks and destruction of government property. On 14 October 1982, you were counseled on your involvement of a discreditable nature with military and civilian authorities. On 25 March 1983, you were counseled on being considered for administrative discharge under Project Upgrade 1983 due to your misconduct and unresponsiveness to counseling. On 15 April 1983, you were counseled on not being recommended for reenlistment and receiving an RE-4 reenlistment code.

Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Your Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that you were

separated from the Navy, on 15 April 1983, with an Honorable characterization of service, narrative reason for separation of “Burden to Command (Inability to Adapt to Military Service),” separation code of “JHJ,” and reenlistment code of “RE-4.”

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 change your narrative reason for separation and separation code. You contend that you entered the Navy on a hardship enlistment, you were stationed on the east coast due to your father being ill, you requested leave after your father had a stroke and the request was denied, and you were told you were receiving a hardship 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 and poor performance, as evidenced by your NJP and inability to adapt to military service, outweighed these mitigating factors. In making this finding, the Board considered the likely seriousness of your misconduct and found that your conduct and performance showed a complete disregard for military authority and regulations. Further, there is no evidence in your record, and you submitted none, to support your contention that you were told you would receive a hardship discharge. Regardless, the record clearly shows that you acknowledged being counseled that you were being considered for discharge under Project Upgrade 1983 ¹ due to your misconduct and failure to respond to counseling. Therefore, the Board was not persuaded by your contention that you were wrongfully discharged.

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 discharge². Even in light of the Wilkie Memo and reviewing the record and 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.

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

¹ Project UPGRADE was implemented first in FY 1981 to permit unit commanding officers to administratively discharge individuals whose performance routinely migrated between unsatisfactory and marginal and whose proper supervision was requiring a disproportionate amount of time, energy, and resources. The program targeted to multiple unauthorized absence (UA) offenders and others who the commanding officer believed were an unwarranted burden to the command.

² In making this finding, the Board found no basis to change your reason for separation or separation code.

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

Sincerely,

3/27/2025

