



in processing for administrative discharge. On 16 July 1995, you received NJP for UA on 4 July 1995, failure to obey a lawful order on 16 May 1995 and dishonorably failing to pay debts between 3 March 1995 and 23 March 1995. You were again issued Page 13 counseling and advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 25 October 1995, you received NJP for disobeying a lawful order, larceny of personal property, and breaking and entering.

Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to commission of a serious offense and pattern of misconduct. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board. The separation authority subsequently directed your discharge with an OTH characterization of service and you were so discharged on 14 December 1995.

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 discharge characterization of service and your contentions that you were an above-average Sailor, made one mistake, and an overzealous Yeoman Chief Petty Officer (YNC) pushed for your discharge. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149, your April 1994 Airman of the Month award, and February 2005 Letter of Recommendation you provided.

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, 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 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.

Additionally, there is no precedent within this Board's review, for minimizing the "one-time" isolated incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit, it can neither be excused nor extenuated solely on its isolation. However, the Board noted your record of misconduct included three NJPs, between October 1994 and October 1995, for offenses including UA, failure to obey and disobeying lawful orders, dishonorably failing to pay debt, larceny, and breaking and entering. Therefore, the Board was not persuaded by your argument that you made only one mistake. Finally, the Board noted you provided no evidence, other than your personal statement, to substantiate your contention that you were unjustly pushed out of the Navy by an overzealous YNC.

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, 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,

6/25/2025

