



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

██████████
Docket No. 2258-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 July 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, 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 Navy and began a period of active duty on 15 January 1971. On 11 March 1971, you received nonjudicial punishment (NJP) for a three-hour period of unauthorized absence (UA) that concluded with your apprehension. You received a second NJP, on 25 April 1972, for a four-day period of UA. On 11 May 1972, you were married and you subsequently requested a humanitarian transfer to care for your wife. On 23 June 1972, your request was denied and forwarded to the Hardship Discharge Board for further consideration.

On 28 June 1972, you commenced a period of UA that lasted 52 days; followed by an additional period of UA, beginning on 23 August 1972, lasting 25 days. Upon your return, you were diagnosed with a passive-dependent personality disorder, including difficulty adjusting to military life following your marriage, impulsivity, and poor judgment. Based on these findings, administrative separation was recommended.

On 1 November 1972, after consulting with qualified legal counsel, you voluntarily requested an undesirable discharge, under other than honorable (OTH) conditions, for the good of the service in lieu of trial by court-martial for your periods of UA. The separation authority approved your request and you were discharged on 20 November 1972.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request, on 17 December 1980, after determining your discharge was proper as issued.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 your contentions that: (1) you were granted a full pardon from President Ford, (2) you requested a hardship discharge due to your wife's illness, and (3) your request was denied and you felt you had to attend to your wife's medical needs and care for your children. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and a copy of the Presidential Pardon letter dated 5 November 1975.

After a 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 extensive periods of UA and NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded it 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. The Board also noted the misconduct that led to your request to be discharged in lieu of trial by court-martial was substantial and determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial; thereby sparing you the stigma of a court-martial conviction and possible punitive discharge.

Regarding your assertion regarding your entitlement to relief under Presidential Proclamation 4313, the Board noted participation in the clemency program alone would not automatically entitle a former service member to a discharge upgrade. In your case, the Board determined that your discharge was proper and equitable under the standards of law and discipline and that the discharge accurately reflects your conduct during your period of service. Accordingly, the Board found no basis to grant relief based on the Presidential Proclamation.

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 that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the 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 is attached 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,

7/23/2025

