



that ended in your surrender on 6 November 1976. On 11 November 1976, you received NJP for that period of UA.

On 17 February 1977, you were convicted at SPCM of three specifications of willfully disobeying lawful orders and one specification of disrespect to a commissioned officer. You were sentenced to forfeitures, confinement, and a Bad Conduct Discharge (BCD). On 6 April 1977, you received NJP for sleeping on post. On 7 November 1977, you commenced a period of UA that ended in your surrender on 13 November 1977. On 13 December 1977, you received NJP for the seven days of UA. On 13 December 1977, the U.S. Navy Court of Military Review dismissed one of the specifications of willfully disobeying a lawful order from your SPCM and affirmed the remaining findings and the sentence. You were subsequently discharged with a BCD on 7 December 1978.

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 young and had difficulty adapting to military life, your discharge was over forty years ago, and you have since matured. Additionally, the Board noted you checked the "PTSD" box on your application but chose not to respond to the 21 March 2025 letter from the Board requesting evidence in support of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, DD Form 214, and a form designating a Veterans Service Organization as your representative to the Department of Veterans Affairs.

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 and SPCMs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included drug offenses. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board also 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 BCD. 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 you provided no evidence, other than your statement, to substantiate your contentions.

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 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,

9/3/2025

