



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

██████████
Docket No. 2794-25
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 15 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, 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 enlisted in the U.S. Navy Reserve and began a period of active duty on 5 July 1978. On 24 August 1978 you were issued a counseling warning for military behavior and advised that any further misconduct of a discreditable nature with either civilian or military authorities may be grounds for administrative separation processing for a discharge under Other than Honorable (OTH). On 13 February 1979, you graduated Aviation Ordnance "A" school.

On 30 August 1979, you received non-judicial punishment (NJP) for three specifications of unauthorized absence (UA) totaling 13 days. On 22 April 1980, you received your second NJP for possession of marijuana. You received your third NJP, on 9 July 1980, for UA. On 26 November 1980, you received your fourth NJP for UA from your appointed place of duty. On 4 June 1982, you received your fifth NJP for disobey a lawful command. On 23 February 1983, you were notified by the commanding officer (CO) that, based upon your past UCMJ violations and inconsistent and declining professional performance, you were not eligible for reenlistment.

On 4 March 1983, you were notified that you are not recommended for reenlistment by reason of poor performance and assigned RE-4 reentry code. On 4 March 1983, you were discharged with a General (Under Honorable Conditions) (GEN) characterization of service. On 4 April 1984, you were discharged from the Naval Reserve after your fulfillment of service obligation with a GEN and not recommended for reenlistment.

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 contentions that you served your entire tour that included three deployments on the flight deck on three different carriers. You contend that your "A" school was interrupted by your brother's death, you were not able to complete your training, sent directly to your squadron, and extended there for 20 months. Lastly, you contend that you completed your entire tour without being able to complete your "A" school and it affected your ability to understand your job. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 and personal statement without any other additional documentation.

After 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 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 that you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your GEN 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. Furthermore, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. However, the Board noted your record indicates you completed your "A" school and were rated as an Aviation Ordnanceman (AO) during your active duty service. Regardless, the Board was unable to discern a nexus between a lack of training as an AO and repeated UAs. In the end, the Board determined you already received a large measure of clemency when the Navy allowed you to complete your enlistment despite incurring five NJPs. The Board concluded you were fortunate not to receive an Other Than Honorable characterization of service based on your record of extensive misconduct.

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 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,

7/28/2025

