



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

██████████
Docket No. 3454-25
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 21 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 this 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 and began a period of active duty on 8 November 1968. Between 6 June 1969 and 13 October 1970, you received four nonjudicial punishments (NJPs) and were convicted by a Summary Court-Martial (SCM)¹ for multiple violations that included unauthorized absence, disrespect to a petty officer, failure to obey a lawful order, and dereliction of duty. Subsequently, you were referred for a psychiatric evaluation due to your repeated disciplinary issues and were diagnosed with an emotionally immature personality disorder.² Consequently, you were notified of your pending administrative processing by reason unsuitability; at which time you waived your procedural right to submit a statement in response to your administrative separation. Ultimately, the separation authority directed your discharge with a type warranted by service record characterization of service and you were discharged with a General (Under Honorable Conditions) (GEN) characterization of service on 2 December 1970.

¹ You were found guilty of two specification of UA totaling 23 days and sentenced to reduction in rank to E-2.

² The 21 October 1970 Consultation Report stated: "*His sensorium was clear and there was nothing from this examination to suggest a serious or disabling mental health illness, psychosis or psychoneurosis.*" [Emphasis added]

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 you were discharged based on a diagnosis of an immature personality disorder but were not provided with any support or intervention to address the underlying issues. You further contend that, had appropriate assistance been offered, the outcome of your military service may have been more favorable. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional documentation.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your NJPs and SCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it showed a complete disregard for military authorities and regulations. Further, the Board noted you were provided several opportunities to correct your conduct deficiencies but continued to commit additional misconduct; which led to your GEN discharge. Your conduct was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. Lastly, character of service is based, in part, on military behavior averages computed from marks assigned during periodic evaluations. At the time of your separation, your military behavior average was 2.48 and a minimum average of 3.0 was required for a fully Honorable characterization of service. The Board found that your assigned military behavior average was supported by your extensive record of misconduct. As a result, the Board concluded that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service.

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,

8/6/2025

