



Docket No. 6320-25
Ref: Signature Date

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 2 March 2026. 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).¹

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the Navy and commenced active duty on 20 January 1978.
2. On 17 April 1979, you self-referred to medical for alcohol abuse and were admitted to the Alcohol Rehabilitation Center on 25 June 1979. You experienced an adverse reaction to Antabuse, resulting in Antabuse psychosis that resolved two weeks after you discontinued use, after which you completed alcohol abuse treatment 15 August 1979.

¹ The Board noted you checked the “PTSD” and “Other Mental Health” boxes on your application but did not respond to the Board’s request to provide evidence in support of your claims. In addition, your application did not include any evidence of your claims. Therefore, the Board did not consider your application under the guidance provided in the Kurta and Hagel memos.

3. After a period of continuous Honorable service, you immediately reenlisted and commenced a second period of active duty on 27 February 1981.
4. On 20 March 1981, you commenced a period of unauthorized absence (UA) that ended in your surrender on 6 April 1981.
5. On 8 April 1981, you commenced a period of UA that ended in your surrender on 13 April 1981.
6. On 14 April 1981, while awaiting transfer to your parent command, you commenced a period of UA that ended on 17 April 1981.
7. On 18 April 1981, while awaiting transfer to your parent command, you commenced a period of UA that ended in your apprehension by civil authorities on 20 April 1981.
8. On 23 April 1981, you commenced a period of UA that ended in your apprehension by civil authorities on 21 March 1982.
9. On 27 March 1982, you commenced a period of UA that ended in your surrender on 18 September 1982. You were released from military custody and issued orders to report to your parent command no later than 23 September 1982.
10. On 24 September 1982, you commenced a period of UA that ended in your surrender on 4 April 1983.
11. On 29 April 1983, you pleaded guilty at Special Court Martial (SPCM) to six specifications of UA totaling seven hundred thirty-two days. You were sentenced to reduction in rank to E-1, forfeitures, confinement at hard labor, and a Bad Conduct Discharge (BCD). Subsequently, the findings and sentence in your SPCM were affirmed and you were issued a BCD on 24 July 1984.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that:

1. A letter read in a courtroom in Pittsburgh, PA ordered your discharge upgraded to a General (Under Honorable Conditions) (GEN).
2. You were told at ■■■■■■■■■■ that you would be given a medical discharge after you participated in a drug trial program and, because of a highly allergic reaction, were sent to an asylum for detox.
3. You were exposed to asbestos without personal protective equipment and now suffer from asbestosis.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct. While the Board carefully considered your contention of error, the Board noted you did not deny committing the misconduct that formed the basis for your administrative separation and OTH discharge. Further, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your desire for an upgrade to your characterization of service, your contentions, the totality of your service, your need for veterans' benefits, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, your claimed mental and other health issues, your advanced age, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of your misconduct far outweighed all of the mitigating factors combined. In particular, the Board 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. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. While the Board considered your age and possible need for benefits to address your health concerns, they determined the severity of your misconduct outweighed any mitigation resulting from those factors.

Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

In reviewing your record, the Board observed that you are likely eligible for Department of Veterans Affairs (VA) benefits based on your first Honorable enlistment period. However, since the VA is the cognizant authority over eligibility determinations for VA benefits, the Board recommends you contact your nearest VA office to inquire about your eligibility.

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,

3/23/2026

