



[REDACTED]

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your late husband's, hereinafter referred to a service member (SM), naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of SM's 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.

SM enlisted in the Navy and began a period of active duty 7 July 1966. He reported to USS Everglades (AD 24) in October 1966. He commenced a period of unauthorized absence (UA) from 17 August 1967 to 7 September 1967, for which he received non-judicial punishment (NJP). He commenced a second period of UA from 21 February 1968 to 19 August 1968. Upon his return, SM was convicted by a special court-martial (SPCM) and awarded a Bad Conduct Discharge (BCD) as part of his sentence. After he waived his right to request restoration to duty, SM was so discharged on 13 December 1968.

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 upgrade SM discharge and contentions that: (1) his character of discharge did not reflect who he was at the time of service, (2) he dealt with learning disabilities that affected reading comprehension and written test taking from early elementary school (3) his periods of UA were a result of a young man's humiliation at having failed written advancement, and (4) that as a youth, when given the choice to return to his

shipmates or be discharged, he chose the path of least resistance and did not ask for help or explain his reasons. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149, a copy of your marriage license, and copies of SM's DD Form 214, Navy performance evaluations, High School diploma, death certificate, and character reference letters.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that SM's misconduct, as evidenced by his NJP and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of his misconduct and concluded his misconduct showed a complete disregard for military authority and regulations. The Board observed he was given an opportunity to correct his conduct deficiencies but chose to continue to commit misconduct; which led to his BCD. His conduct not only showed a pattern of misconduct but was sufficiently serious to negatively affect the good order and discipline of his command. During his approximately 16 months of service onboard USS Everglades, SM was UA approximately seven months of that time. While the Board took into consideration SM's learning difficulties, after weighing the negative impact his UAs likely had on his command and the fact this occurred during the Vietnam conflict, the Board found that his reasons did not justify his periods of UA.

As a result, the Board determined that there was no impropriety or inequity in his discharge and concluded that his misconduct and disregard for good order and discipline clearly merited his discharge. While the Board carefully considered the evidence you provided in mitigation and noted that SM led a successful post-discharge life, 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 the relief you requested or granting relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of SM's misconduct. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Notwithstanding the Board's decision in this case, it extended its deepest sympathies for your loss.

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,

9/11/2025

