



Docket No. 7374-25
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 21 November 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 21 June 1971. Between 28 February 1973 and 31 December 1974, you were subject to four non-judicial punishments (NJP) for offenses that included a period of unauthorized absence (UA) from 22 – 23 February 1973, dereliction in the performance of your duties, disobedience of a lawful order, damage, by painting, of military property of a value of about \$12, and theft of military property of a value of about \$12.

Consequently, you were notified of pending administrative separation proceedings and informed that the least favorable characterization of service you may receive is Under Other Than Honorable (OTH) conditions. You elected your right to consult with counsel and requested a hearing before an administrative discharge board (ADB). Subsequently, you entered into an

agreement with your commanding officer (CO) to waive your right to the ADB in exchange for a General (Under Honorable Conditions) (GEN) discharge. The CO forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Navy with a GEN. As part of the CO's recommendation, he stated in pertinent part:

Despite the efforts of personnel at all levels of this command, [Petitioner] continues to be an administrative burden and a liability rather than an asset to the Navy. His continuing infractions of military law are seemingly unaffected by any punishments, reprimands, or the possibility of further administrative action. [Petitioner] is not considered salvageable and his retention in the military is pointless. It is strongly recommended that [Petitioner] be discharged from the Naval Service.

On 24 February 1975, you submitted a voluntary request for immediate discharge in lieu of waiting for the final action on your administrative discharge. This request was approved and you were discharged with a General characterization of service on 4 March 1975. On 28 March 1975, the separation authority approved your GEN discharge for unfitness.

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 your discharge and contentions that: (1) you were discharged under honorable conditions because your ship was leaving to █ and your enlistment would have been up while the ship was deployed, (2) you were asked by leadership if you would consider an "early out" to keep the Navy from spending money to fly you back to CONUS before the end of the deployment, and (3) that a retired Marine you spoke with recently suggested that since the ship was leaving on a five-month deployment and you took an early discharge, you should be eligible for an upgrade to an Honorable discharge characterization. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149

After thorough review, the Board concluded that your 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 concluded that your misconduct 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 GEN characterization of service. Your conduct not only showed a pattern of misconduct, but also was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. The Board determined the record reflected that your misconduct was intentional, willful, and persistent, and demonstrated you were unfit for further service. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions regarding your discharge. As noted above, your record documents that you were discharged for unfitness due to your extensive record of misconduct vice given an "early out" in satisfaction of your enlistment obligation as you contend.

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 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,

