

5. On 15 August 1984, you received a Page 13 retention warning counseling concerning deficiencies in your performance and conduct. Specifically, minor involvement with civil authorities concerning continuous traffic violations, tardiness in reporting for duty, unauthorized absences, and failure to obey lawful orders from your superiors.

6. On 31 October 1984, you received your fourth NJP for failure to obey a lawful order.

7. On 8 November 1984, you received your fifth NJP for violating a lawful order.

8. On 30 January 1985, you received your sixth NJP for unauthorized absence.

9. Consequently, you were notified of administrative separation processing for misconduct due to pattern of misconduct and elected your procedural right to present your case to an administrative discharge board (ADB).

10. On 12 June 1985, the ADB was convened and found the preponderance of the evidence supported a finding that you committed misconduct due to pattern of misconduct. The ADB recommended your administrative discharge from the Navy with an Other Than Honorable (OTH) characterization of service. Ultimately, the separation authority approved the ADB's recommendation and you were so discharged on 5 July 1985.

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 for mitigation, the Board noted you did not deny committing the misconduct that formed the basis for your administrative separation or OTH discharge. 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 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 rehabilitation efforts, your health issues, the allegation you were not medically screened prior to your discharge, your motorcycle accident, your claim that you were told that your discharge would automatically upgrade, 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 OTH 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. Further, the Board noted that there is no provision of federal law or in Navy/Marine Corps regulations that allows for a discharge to be automatically upgraded after a specified number of months or years. While the Board considered the length of time since your misconduct, they determined the severity of your misconduct outweighed any mitigation resulting from it. Moreover, the Board considered that you provided no evidence, other than your statement, to substantiate your allegation. Finally, the Board believed that it would be unjust to characterize your less than honorable service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service¹. Therefore, the Board did not find an upgrade of your discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct.

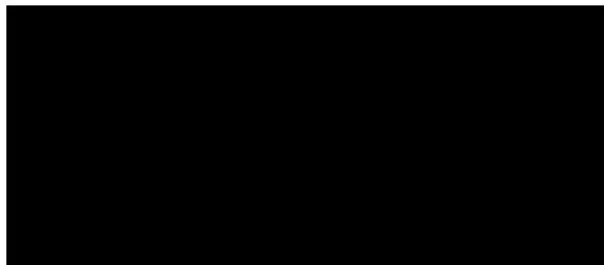
Accordingly, given the totality of the circumstances, the Board determined your request does not merit relief.

Regarding your request for medical records from the Navy, the Board has no authority to release such records under Title 5, U.S. Code § 552 (Freedom of Information Act) (FOIA). You may request Navy records through the website www.securerelease.us. Information regarding the Department of the Navy FOIA process is located at www.secnav.navy.mil/foia.

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,

3/6/2026



¹ The Board acknowledged that you completed your first enlistment honorably and received a Certificate of Release or Discharge from Active Duty (DD Form 214) annotating this period of Honorable service.