



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 11887-25
Ref: Signature Date

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██████████
██████████

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 9 June 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, applicable statutes, regulations, and policies, to include the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

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:

- You enlisted in the Navy and began a period of active duty on 23 August 1980.
- On 30 March 1981, you commenced a period of unauthorized absence (UA) that terminated on 1 April 1981.
- On 16 April 1981, you received non-judicial punishment (NJP) for two specifications of unauthorized absence (UA) totaling three days.
- On 13 July 1981, you received non-judicial punishment (NJP) for producing an altered ID (temp) card, resisting arrest, assaulting a patrolman, and conducting yourself in a drunken and sloppy manner.

- On 4 August 1981, you received non-judicial punishment (NJP) for a period of unauthorized absence (UA) totaling twenty-seven (27) days, having possession of a controlled substance to wit; marijuana, and wrongfully appropriating property of the US Government to wit; an ID card.
- On 11 August 1981, received an administrative remark (Page 13) that you were advised by the Counseling and Assistance Center (CAAC) that you needed alcohol rehabilitation and you refused treatment. You also were informed that you were not eligible for reenlistment due to frequent involvement of a discreditable nature with military authorities.
- Unfortunately, documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Your Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that you were separated, on 11 August 1981, with a General (Under Honorable Conditions) (GEN) characterization of service, narrative reason for separation of "Misconduct - frequent involvement of a discreditable nature with military authorities," separation code of "GKA/871," and reentry code of "RE-4." Your separation code "GKA" is consistent with a discharge Misconduct - frequent involvement of a discreditable nature with military authorities and the separation code "871" corresponds with a GEN characterization of service.

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

- You were issued an Honorable discharge for the period of 23 August 1980 to 11 August 1981.
- You were told that your discharge was changed to GEN and to correct your service dates if not correct.

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. The Board noted you did not deny committing the misconduct that formed the basis of your administrative separation and GEN discharge. While the Board considered your contention that your GEN discharge was issued in error, they noted you provided no evidence, other than your statement, to substantiate your contention. Therefore, the Board determined the presumption of regularity applies to your GEN discharge 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, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, 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 determined that illegal drug possession by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. Additionally, 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 GEN 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. Therefore, even taking into consideration all of the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of your misconduct led them to conclude that your service was not Honorable. In fact, the Board concluded you were fortunate to receive a GEN characterization of service despite possessing a record of misconduct that typically results in an Other Than Honorable discharge. The Board thus determined you already received significant clemency in your case and, ultimately, concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice.

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 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,

07/10/2020