



Docket No. 0593-26
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 4 May 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).

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.

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 19 October 1971.
- You had two periods of unauthorized absence (UA) totaling approximately four days between 30 May 1972 and 5 June 1972. Upon your return to military custody, you were medically evaluated and diagnosed with an Emotionally Unstable Personality, existed prior to entry.

- On 13 June 1972, you received non-judicial punishment (NJP) for the two periods of UA.
- On 26 June 1972, you were notified of administrative separation processing for unsuitability due to your Emotionally Unstable Personality diagnosis. You were informed the least favorable characterization of service was General (Under Honorable Conditions) (GEN). You elected not to make a statement. Your commanding officer forwarded a recommendation to the separation authority administrative separation by reason of unsuitability.
- On 29 June 1972, you voluntarily requested early discharge while pending administrative separation. Ultimately, on 7 July 1972, your discharge was approved and you were discharged from the Navy with a General characterization of service by reason of character and behavior disorders – individual evaluation. At the time of your discharge, your overall military behavior average of 2.8.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that you should have received an Honorable discharge because you were not properly informed of the impact of a GEN discharge.

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 personality disorder diagnosis. The Board noted you do not dispute the diagnosis. Further, the Board determined you were appropriately assigned a GEN characterization of service based on your military behavior average which did not qualify for an Honorable discharge. 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 contention, the totality of your service to include service highlights, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, 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 your record of misconduct during your relatively brief period of active duty outweighs these mitigation factors. In particular, the Board determined your overall apathy to the Navy at the time did not support an Honorable discharge. The Board noted that during your medical evaluation that resulted in your diagnosis, you expressed your dislike of the Navy from the beginning and stated you never wanted to enlist. You also commented that you simply left without authorization because of your dislike of the Navy. In the end, the Board found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given an opportunity 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. Furthermore, the Board also determined your lack of understanding regarding the consequences of a GEN discharge was insufficient to overcome your misconduct. 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, 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 service. While the Board noted that flawless service is not required to receive an Honorable characterization of service, their evaluation of your overall record led them to conclude that your service was not Honorable. Ultimately, the Board 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 that 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,

5/22/2026

