



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 4662-21
Ref: Signature Date

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Dear █,

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.

A three-member panel of the Board, sitting in executive session, considered your application on 7 October 2021. The names and votes of the members of the panel 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 this 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 2018 Under Secretary of Defense Memo on Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations (Wilkie Memo).

A review of your record shows that you entered active duty with the Marine Corps in November 1968. Non-judicial punishment was imposed on you for orders violations on 6 August 1969 and 13 August 1969. Subsequently, you were convicted by a special court-martial on 20 October 1969 for orders violations, provoking words, assault, and disrespect resulting in six months of confinement and forfeitures. While you were in confinement, you committed a series of misconduct that resulted in your referral to a general court-martial on 14 April 1970. Prior to your second court-martial, a medical board diagnosed you with a paranoid personality and recommended your administrative separation for unsuitability. However, you were convicted by the general court-martial on 14 April 1970 and sentence to three years confinement, total forfeitures, and a Dishonorable Discharge. The convening authority approved nine months of confinement, total forfeitures, and a Bad Conduct Discharge pursuant to the terms of a pre-trial agreement. After completion of your appellate review, you were discharged from the Navy on 16 October 1970 with a Bad Conduct Discharge. The Department of Veterans Affairs denied your request for treatment on 4 January 2021 based on dishonorable service. This Board previously denied your request for a disability discharge on 20 February 2020 and 10 June 2021.

The Board carefully considered your arguments that you deserve a change to your narrative reason for separation to disability or an upgrade to your characterization of service to General. You argue that you were not evaluated for your mental health condition prior to your entry into the Marine Corps. You assert that had you been properly evaluated, you would not been eligible for entry into the Marine Corps,

[REDACTED]

aggravated your preexisting personality disorder, and committed misconduct. Unfortunately, the Board disagreed with your rationale for relief. In reviewing your military record, the Board noted that you were medically evaluated on 2 May 1968. In your report of medical history, you reported no mental health issues and reported to be in “good health.” In the Board’s opinion, this was strong evidence that the Marine Corps properly evaluated you for mental health conditions prior to your commencing of active duty and medically cleared you based on your proclamations of no mental health symptoms and good health. Therefore, the Board found no error or injustice with your processing into the Marine Corps and determined your arguments related to a lack of a pre-evaluation without merit. For these reasons, the Board affirms its previous decision to deny your request for a change to your narrative reason for separation to disability by adopting the same rationale.

Regarding your request for an upgrade, the Board concluded your characterization of service remains appropriate after considering whether clemency was warranted in your case. In making their decision, the Board took into consideration the brief period of active duty service you performed and the seriousness of your misconduct during that time. What they concluded was that your misconduct was too serious in nature to merit clemency since it continuously attempted to undermined the good order and discipline of your unit through your unwillingness to take orders from your chain of command, show respect to military authority, and commit assaults on others. The Board noted that over the course of less than 9 months, you were punished via two non-judicial punishments and two courts-martial before finally receiving your punitive discharge from the Marine Corps. In addition, the Board also noted your failure to accept responsibility for your misconduct. Therefore, based on the totality of the evidence, they determined you do not merit an upgrade of your characterization of service as a matter of clemency. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

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.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

[REDACTED]

Deputy Director

[REDACTED]