



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

█
Docket No: 4985-21

Ref: Signature Date



Dear █:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 15 November 2021. 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 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the Marine Corps and began a period of active duty on 3 March 1972. On 10 July 1973, you began a period of unauthorized absence (UA) which lasted 18 hours and 59 minutes. On 19 July 1973, you received nonjudicial punishment (NJP) for a period of UA. On 25 July 1973, you began a second period of UA which lasted five-days and resulted in your apprehension by civil authorities. On 31 July 1973, you received a second NJP for a period of UA. On 1 February 1975, you began a third period of UA which lasted one-day. On 12 February 1975, you received a third NJP for a period of UA. On 3 April 1975, you received a fourth NJP for failure to report to your prescribed place of duty. On 22 April 1975, you received a fifth NJP for wrongfully communicating a threat to a noncommissioned officer (NCO) and failure to report to your prescribed place of duty. On the same date, you were counseled for frequent involvement and advised that failure to take corrective action could result in administrative separation. On 6 May 1975, you received a sixth NJP for failure to report to your prescribed place of duty and

disobeying a lawful order. On 20 May 1975, you received a seventh NJP for disobeying a lawful order and for been disrespectful in language towards an NCO. On the same date, you were counseled for frequent involvement and advised that failure to take corrective action could result in administrative separation. On 9 July 1975, you were notified of the initiation of administrative separation proceedings by reason of unfitness due to frequent involvement. On 10 July 1975, your commanding officer recommended an other than honorable (OTH) discharge characterization of service by reason of unfitness due to frequent involvement. On 7 August 1975, you elected to waive all your procedural rights. On 11 September 1975, you received an eighth NJP for failure to report to your prescribed place of duty. On 24 September 1975, the discharge authority approved and ordered an OTH discharge by reason of unfitness due to frequent involvement. On 3 October 1975, you were discharged.

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 contentions that you were bullied by a review board that gave you a disciplinary drop for not passing a test, and that the board intentionally made your test harder and from that point you began using drugs and alcohol. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your repeated misconduct, as evidenced by your NJPs, outweighed these mitigating factors. The Board noted you did not submit any documentation or advocacy letters to be considered. 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 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 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,

12/16/2021

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Executive Director

Signed by: █