



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

█
Docket No: 5132-21

Ref: Signature Date

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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 3 September 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 16 October 1972. From a period beginning on 23 February 1973 to 8 October 1974, you received nonjudicial punishment (NJP) in eight occasions for the following offenses: missing firewatch muster and firewatch, six periods of unauthorized absence (UA), absent from appointed place of duty, disobeying a lawful order, indulgence in intoxicating liquor, incapacitated for the performance of duties, disobeying a lawful order from a noncommissioned officer, and disobeying a lawful order from a superior officer. On 18 November 1974, you began a seventh period of UA which lasted three hundred and seventy four days, and resulted in your apprehension by civil authorities. On 11 December 1975, you requested a discharge for the good of service, at which point, you elected to waive all your procedural rights. On 15 December 1975, your administrative separation proceedings were determined to be sufficient in law and fact. On 14 January 1976, the discharge authority approved and ordered an other than honorable (OTH) discharge characterization of service by reason of for the good of service. On 14 January 1976, you were discharged. On 9 December

2011, the Board for Corrections of Naval Records denied your request for a discharge characterization upgrade.

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 contention that you were not afforded the opportunity to explain why you messed up your military career. Your contention that a discharge upgrade is very important since you are experiencing health issues. 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,

9/27/2021

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Executive Director

Signed by: █