



On 4 February 1978, you were notified that you were being recommended for administrative discharge from the Marine Corps in compliance with the Expeditious Discharge Program. You were advised of, and waived, your procedural right to consult with military counsel. On 6 February 1978, your commanding officer (CO) recommended to the separation authority that you be administratively discharge from the Marine Corps with a general (under honorable conditions) characterization of service. Unfortunately, the separation authority's decision document is 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 (as is the case at present), will presume that they have properly discharged their official duties.

Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), it appears that on 14 February 1978, you were discharged from the Marine Corps with a characterization of service of "Under Honorable Conditions," reason and authority was "JFG8" which is defined as "Expeditious Discharge Program – Involuntary," and reenlistment code was "RE-3C."

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 25 October 2021. The AO concluded by opining that the preponderance of objective evidence established you suffered from PTSD which incurred in your military service, and that some of your in-service misconduct (that which occurred after a January 1977 accident you were in, in which a █ was struck by a freighter and overturned), could be attributed to your experience of PTSD.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contention that you served your country and the Marine Corps honorably, but did not receive proper treatment for your PTSD after surviving a tragic boat accident. After careful consideration of the AO, your statement, and your submission of supporting documentation, even under the liberal consideration standard, the Board discerned no procedural defect, impropriety, or inequity in your discharge and determined your misconduct warranted a general (under honorable conditions) character of service. The Board concluded that there was insufficient evidence demonstrating a linkage between your misconduct and your PTSD, specifically, the misconduct that occurred prior to January 1977, for which you received two instances on NJP. The Board, applying liberal consideration, did not find evidence of an error or injustice that warrants upgrading your characterization of service.

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 as previously discussed and your desire to upgrade your discharge character of service. The Board noted that characterization of service is based in part on conduct marks assigned on a periodic basis. Your conduct mark average was 3.9. At the time of your service, a conduct mark average of 4.0 was required to be considered for a fully honorable characterization of service.

Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct as evidenced

by three NJPs, a SCM conviction, and failure to attain the required conduct trait average, outweighed these mitigating factors. 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 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,

11/30/2021

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Executive Director

Signed by: █